

CLEARFIELD CITY COUNCIL  
AGENDA AND SUMMARY REPORT  
October 23, 2012 – REGULAR SESSION

City Council Chambers  
55 South State Street  
Third Floor  
Clearfield, Utah

**Mission Statement:** To provide leadership in advancing core community values; sustain safety, security and health; and provide progressive, caring and effective services. We take pride in building a community where individuals, families and businesses can develop and thrive.

**7:00 P.M. REGULAR SESSION**

CALL TO ORDER:

Mayor Wood

OPENING CEREMONY:

Youth City Councilmember Aubree Matheson

APPROVAL OF THE MINUTES:

September 25, 2012 – Work Session

October 9, 2012 – Regular Session

October 9, 2012 – Work Session

***PUBLIC HEARINGS:***

1. **PUBLIC HEARING TO RECEIVE PUBLIC COMMENT FOR A FINAL SUBDIVISION PLAT KNOWN AS LIFETIME AT FREEPORT**

**BACKGROUND:** This is a request from Freeport Center Associates to divide three parcels into four. The property is approximately 19.248 acres and is located in Freeport Center and no further impacts will occur to utilities, roads, and the site than what exists today. The Planning Commission heard this item on October 3, 2012 and unanimously recommended approval.

**RECOMMENDATION:** Receive public comment.

2. **PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON AMENDING TITLE 12, CHAPTER 4 AND CHAPTER 9, REVISING THE TIME FOR GUARANTEE OF SUBDIVISION IMPROVEMENTS FROM TWO YEARS TO ONE YEAR**

**BACKGROUND:** State legislation was enacted in 2008 which revised State Code authorizing the time limits set for subdivision improvement guarantees. The City has already modified processes and began requiring one year warranty periods instead of two. The proposed text amendment reflects these changes made to State Code.

***SCHEDULED ITEMS:***

3. **CITIZEN COMMENTS**

4. **CONSIDER APPROVAL OF A FINAL SUBDIVISION PLAT KNOWN AS LIFETIME AT FREEPORT**

**RECOMMENDATION:** Approve the final subdivision plat known as Lifetime at Freeport and authorize the Mayor's signature to any necessary documents.

5. CONSIDER APPROVAL OF ORDINANCE 2012-11 AMENDING TITLE 12, CHAPTER 4 AND CHAPTER 9, REVISING THE TIME FOR GUARANTEE OF SUBDIVISION IMPROVEMENTS FROM TWO YEARS TO ONE YEAR

RECOMMENDATION: Approve Ordinance 2012-11 amending Title 12, Chapter 4 and Chapter 9, revising the time for guarantee of subdivision improvements from two years to one year and authorize the Mayor's signature to any necessary documents.

6. CONSIDER APPROVAL OF THE FINAL ACCEPTANCE FOR CLIFFORD PARK SUBDIVISION

BACKGROUND: Clifford Park, Phases 1, 2 and 3, are located in the vicinity west of 1000 West and south of 700 South. In accordance with Title 12, Chapter 9, of the Clearfield City Code, the city engineer has completed the final inspection of the Clifford Park subdivision and found all improvements to have been installed correctly. The warranty period is over and the city engineer recommends final acceptance of the improvements for perpetual maintenance, and a release of the escrow by the City Council.

RECOMMENDATION: Approve the final acceptance for the subdivision improvements at Clifford Park Phase 1, Phase 2, and Phase 3 for perpetual maintenance by the City and release any remaining funds associated therewith in escrow to the developer and authorize the Mayor's signature to any necessary documents.

7. CONSIDER APPROVAL OF ORDINANCE 2012-12 INCREASING THE PLANNING COMMISSION STIPEND

BACKGROUND: Staff completed a simple comparison between the City's current rate of compensation to that of surrounding jurisdictions for members of the Planning Commission. The comparison and possible increases were discussed during the September 25, 2012 City Council Work Session and it was determined an increase was in order.

RECOMMENDATION: Approve Ordinance 2012-12 increasing the Planning Commission stipend and authorize the Mayor's signature to any necessary documents.

8. CONSIDER APPROVAL OF THE AWARD OF BID TO KILGORE CONTRACTING FOR THE 2012 CRACK SEAL PROJECT

BACKGROUND: Bids were received from five contractors to provide pavement crack sealing services on various streets throughout the City. Kilgore Contracting was the lowest responsible bid with a bid amount of \$41,134.59. The City Engineers have reviewed the bids and recommend awarding the contract for pavement crack seal services to Kilgore Contracting.

RECOMMENDATION: Approve the award of bid for crack sealing services of pavement on various streets throughout the City to Kilgore Contracting for the bid amount of \$41,134.59 and approve funding for the project for the bid amount of \$41,134.59; with engineering fees and contingency of \$17,000.00, for a total project cost of \$58,134.59 and authorize the Mayor's signature to any necessary documents.

9. CONSIDER APPROVAL OF THE AWARD OF BID FOR THE WEST PARK VILLAGE PARK PROJECT

BACKGROUND: Bids were received from seven contractors for the West Park Village Park Project with the lowest responsible bid of \$47,748.00 from Merrill Sherriff Construction. The city engineers have reviewed the bids and recommend awarding the contract for the West Park Village Park Project to Merrill Sheriff Construction, Inc.

RECOMMENDATION: Approve the award of bid for the West Park Village Park Project to Merrill Sheriff Construction for a bid amount of \$47,748.00 and authorize the Mayor's signature to any necessary documents.

10. CONSIDER APPROVAL OF RESOLUTION 2012R-20 ACCEPTING THE NEW CERTIFIED TAX RATE FOR THE NORTH DAVIS FIRE DISTRICT (NDFD)

BACKGROUND: After review and study of the budgetary needs and requirements of the North Davis Fire District (NDFD) and the Decision and Order of the Utah State Tax Commission dated September 25, 2012, the Administrative Control Board determined that the certified tax rate of .001467 on all taxable property lying and being within the corporate boundaries of the NDFD for the 2012 taxable year is necessary and desirable. The request for approval of .001467 as the certified tax rate is now before the Clearfield City Council, as the governing body for the NDFD, for its consideration.

RECOMMENDATION: Consider approval of Resolution 2012R-20 accepting the new certified tax rate of .001467 for the North Davis Fire District (NDFD) and authorize the Mayor's signature to any necessary documents.

11. CONSIDER APPROVAL OF ORDINANCE 2012-13 AMENDING THE CONSOLIDATED FEE SCHEDULE

BACKGROUND: The current rental dwelling license fees are based on an analysis of residential calls for service from the years 2006-2009. City staff recently updated this analysis to include all calls for service data from 2010 and 2011. The additional suggests that the fee schedule should be modified.

RECOMMENDATION: Approve Ordinance 2012-13 amending the Consolidated Fee Schedule and authorize the Mayor's signature to any necessary documents.

**COMMUNICATION ITEMS:**

Mayor's Report  
City Councils' Reports  
City Manager's Report  
Staffs' Reports

**\*\*COUNCIL MEETING ADJOURN\*\***

Dated this 18<sup>th</sup> day of October, 2012.

/s/Nancy R. Dean, City Recorder

The City of Clearfield, in accordance with the 'Americans with Disabilities Act' provides accommodations and auxiliary communicative aids and services for all those citizens needing assistance. Persons requesting these accommodations for City sponsored public meetings, service programs or events should call Nancy Dean at 525-2714, giving her 48-hour notice.

CLEARFIELD CITY COUNCIL MEETING MINUTES  
6:00 P.M. WORK SESSION  
September 25, 2012

PRESIDING:	Don Wood	Mayor
PRESENT:	Kent Bush Mike LeBaron Kathryn Murray Mark Shepherd Bruce Young	Councilmember Councilmember Councilmember Councilmember Councilmember
STAFF PRESENT:	Adam Lenhard JJ Allen Brian Brower Adam Malan Scott Hodge Eric Howes Bob Wylie Kim Read	City Manager Assistant City Manager City Attorney Police Lieutenant Public Works Director Community Services Director Administrative Services Director Deputy City Recorder
EXCUSED:	Nancy Dean	City Recorder

VISITORS: Cody Richards – Management Intern

Mayor Wood called the meeting to order at 6:20 p.m.

DISCUSSION ON THE CALLS FOR SERVICE REPORT

Adam Lenhard, City Manager, introduced Cody Richards, Management Intern, to the Council. He explained one of the projects assigned to Mr. Richards was to complete additional research regarding the disproportionate fees in relation to rental dwellings. He reminded the Council of previous studies completed specific to the disproportionate burden/fees and its influence implemented with the Good Landlord Program. He added there were now four years of data which could be compared to determine if the City's policies had been effective with the Good Landlord Program.

Cody Richards, Management Intern, shared a visual presentation identifying trends and patterns specific to the disproportionate fee study used to determine fees for rental units and the Good Landlord Program. He stated the average cost of a call for service was approximately \$138.66 which would be important to remember during the presentation. Mr. Richards explained his presentation would point out the following:

- A comparison of data from 2006-2009 and 2006-2011
- Discuss the decrease in calls for service
- Review the change specific to mobile home parks
- Check the effectiveness of the Good Landlord Program

- Suggest policy implementation specific to three/four plexes

Mr. Richards pointed out the calls for service had steadily decreased since 2009; however, rental units still placed a more significant burden on the police department than owner occupied units by twice as much and explained his process for determining that statistic. He reminded the Council of the three different categories for determining the disproportionate fee: single-family, duplexes and multi-family and a discussion took place regarding the classifications. He reviewed the density effect regarding calls for service with the Council.

Mr. Richards reviewed the Good Landlord Program comparison for the previous three years with the Council and stated participants in the Program reflected more calls for service than non participants. He suggested adding a fourth classification of 3/4 – plex unit category and identifying multi-family as five or more units. He expressed his opinion there was a burden being placed on the City and other multi-family units by 4-plexes based on the calls for service and shared his data on that subject.

Mr. Richards distributed a handout reflecting a proposed amended fee schedule and other cities' comparable license fees. He emphasized that overall calls for service had decreased and suggested it might be appropriate that disproportionate fees reflect that change. A discussion took place regarding calls for service in relation to 4-plexes in the City.

Mr. Lenhard stated it was the City's original intent to reduce fees accordingly if the calls for service decreased. He believed if property management was doing those things necessary that resulted in fewer calls for service a proportionate reduction in fees would be consistent with the methodology of the Good Landlord Program. He shared a specific example of a multi-unit apartment complex within the City in which a dramatic reduction in calls for service had been recognized while participating in the Good Landlord Program.

Councilmember Young inquired if the City had looked at other entities' successful Good Landlord Programs to determine what could be implemented for Clearfield to recognize success with its Program. Brian Brower, City Attorney, mentioned West Valley and Ogden City had experienced success with their Good Landlord Programs over the years and believed they each had been enacted for several years. Mr. Lenhard agreed their insight would be advantageous to the City.

Valerie Claussen, Development Services Manager, commented both of those cities had a significant number of staff solely dedicated to the implementation of the Good Landlord Program. Mr. Lenhard added the City didn't have any full time staff designated to implementation of the Program.

**Councilmember Shepherd moved to adjourn the City Council work session and reconvene as the City Council for a policy session at 7:00 p.m., seconded by Councilmember LeBaron. All voting AYE.**

The Council reconvened in a work session at 7:26 p.m.

Councilmember LeBaron expressed appreciation and complimented Mr. Richards on his data, research and presentation.

Mayor Wood clarified it would be Mr. Richards' proposal to amend the fees during a policy session. Mr. Lenhard commented the City would act similarly to what was done two years ago and decrease the fees by twenty-five percent. Councilmember Bush added the 3/4 plex units should be separated. Councilmember Shepherd expressed his opinion the twenty-five percent discount was no longer needed. A discussion took place regarding the discount and its effectiveness associated with the Good Landlord Program.

#### DISCUSSION ON SIDEWALK MAINTENANCE

Scott Hodge, Public Works Director, reminded the Council that the City only had the right-of-way for the curb, gutter, the park strip and sidewalk. He explained it had always been the policy of the City to only replace/repair sections of sidewalk when it was deemed to be priority; for example, to accommodate a disabled individual using the sidewalk. He pointed out the City had a limited funding source and reported there was a significant number of requests each year for sidewalk replacement. He stated most of the damage occurring to the sidewalks was due to the improper planting of trees or trenches due to new development of homes, the use of de-icers and occasionally from high temperatures experienced during the summer months. He mentioned another concern was the sidewalk that passed through the driveway approach and explained it had been the policy of the City that those sections were always the homeowner's responsibility for maintenance. He shared a rough illustration with the Council and pointed out staff had followed an unwritten policy regarding those issues. He noted there was nothing specified by ordinance.

He reported Layton City had an ordinance which stated the sidewalk, curb and gutter maintenance were the responsibility of the adjacent property owner including any damage. He continued other than routine snow removal or weed control nothing else had been addressed by other surrounding cities.

Councilmember Shepherd inquired why the City should ever assume any responsibility for the sidewalk in front of a resident's home. A discussion took place regarding the maintenance responsibility for the sidewalk. Mr. Hodge emphasized the area was a public right-of-way and was not actually owned by the resident. Mayor Wood pointed out upon completion of any subdivision the developer dedicated the sidewalk improvements to the City just as it did the street improvements and suggested that implied some ownership by the City. A discussion took place as to ownership and responsibility of the sidewalk.

Councilmember Young suggested the City could accept normal maintenance; however, damage to sidewalks caused by landscaping could then be the responsibility of the property owner. Brian Brower, City Attorney, believed the City's current ordinance already addressed that. He stated verbiage reflected the City could require removal of any trees causing damage to the sidewalk as well as the repair to the sidewalk. Mayor Wood pointed out neighboring trees could damage a sidewalk in front of another resident's property and expressed concern regarding who the City would expect to be responsible. A discussion took place specific to that issue.

Councilmember Murray asked why the City would want to adopt an ordinance. Mr. Hodge emphasized staff had only been following a guideline or unwritten policy in the past and believed an ordinance would clarify the City's responsibility as well as the property owner's responsibility.

Mayor Wood expressed concern how the City would enforce required maintenance on the resident. Mr. Hodge responded once a sidewalk issue was reported the public works department could send a letter requiring the property owner to replace/repair the sidewalk. A discussion took place regarding enforcement and Mr. Hodge requested direction from the Council. Upon completion of the discussion specific to liability issues, the Council directed staff to not pursue implementing an ordinance and continue with what had been done in the past.

#### DISCUSSION ON CEMETERY PLOT MAINTENANCE AND DEED NAME CHANGES

Eric Howes, Community Services Director, distributed handouts reflecting the cost for burial plots at the City's cemetery and a comparison of other cities' cemetery fees. He pointed out the City didn't actually sell plots rather the right to bury in the cemetery per State law.

He reported the City recently experienced a situation in which a non-resident desired to purchase six plots in the cemetery and solicited a resident to purchase the plots at the resident rate then a short time later paid the ten dollar transfer fee. He indicated this procedure recognized a \$3,000 savings for the non-resident. He stated there was currently no policy or ordinance which discouraged this kind of transaction.

Mr. Howes indicated the scenario was also an issue other cemeteries encountered and suggested the City implement a significant waiting period prior to allowing the transfer of the plot to another person. He directed the Council to the handout comparing other cemetery fees for review.

Mayor Wood believed prior to transferring the plot, the individual must be able to prove residency or if they were not a resident the transfer fee should be equivalent to the difference between the residential and non-residential rate. Councilmember Shepherd stated that would be his recommendation as well. Mr. Howes explained the City only tracked the residency at the point of purchase.

JJ Allen, Assistant City Manager, asked if it mattered that the individual purchasing the transfer could prove residency at some time in his/her life. Mr. Howes commented cities throughout the State handled that situation in various ways. Councilmember Murray pointed out the difficulty when purchased plots were used for burying babies or children. Brian Brower, City Attorney, explained the plot owner would not need to transfer title on the plot in such a situation rather just allow the child to be buried in it. Mr. Howes pointed out current policy stated interment fees were applied based on the residency of the individual being buried in the plot regardless of whether the plot was owned by a resident or non-resident. Councilmember LeBaron expressed his opinion that it appeared the most logical conclusion to creating a deterrent in situations where residents purchased plots and then transferred title to a non-resident was to have the transfer fee

for ownership of a plot be consistent with the difference between the resident and non-resident rate. Councilmember Young agreed. He commented the difference was when someone transferred title rather than just allowing someone to use the plot.

Mayor Wood reiterated his previous suggestion if a plot were being transferred to a non-resident the cost for doing that would be the difference between the resident and non-resident rate plus the \$10 administrative fee. Mr. Brower inquired if the difference would be calculated at the difference of fees at the time of transfer. The Mayor concurred in the affirmative. The Council was in agreement with Mayor Wood's recommendation and directed staff to proceed to that effect.

#### DISCUSSION ON THE PLANNING COMMISSION STIPEND

Mayor Wood stated he had wondered if members of the Planning Commission were being compensated adequately for their time. He indicated he had requested staff complete a comparison from other cities.

Valerie Claussen, Development Services Manager, distributed a handout reflecting neighboring communities' compensation for the Planning Commission. She explained the proposed stipend increase would still be below the \$600 threshold for tax withholdings. She pointed out there were also other methods of compensation the Council could consider. Brian Brower, City Attorney, emphasized anything over \$600 would need to be claimed as income for tax purposes.

A discussion took place regarding the proposed stipend increase and possible tax liabilities to members of the Commission. Councilmember LeBaron proposed increasing the rate for the Chair to \$75 per meeting and members to \$50 per meeting. The Council was in agreement and directed staff to proceed with changing the ordinance accordingly.

#### DISCUSSION ON THE FINAL SUBDIVISION FOR LIFETIME PRODUCTS

Valerie Claussen, Development Services Manager, explained Lifetime Products had some buildings located in the Freeport Center it would like to trade with Freeport Associates. She reported a preliminary subdivision plat approval would come before the Planning Commission on October 3, 2012 and a final plat approval to the City Council on October 23, 2012.

Adam Lenhard, City Manager, clarified Lifetime needed additional administrative space and wanted to remain in Clearfield and in the Freeport Center. In order for the expansion to take place so they would like to swap some property with Freeport Associates. He reported negotiations had taken place and terms had been agreed upon between the two. He expressed his opinion this would be a benefit to the City, Freeport Center and Lifetime.

The Council took a break at 8:27 p.m.

The work session resumed at 8:35 p.m.

**Councilmember Young moved to adjourn to a Closed Session for the purpose of a strategy session to discuss the purchase, exchange, or lease of real property. Utah Code Ann. § 52-4-204 and §52-4-205(1)(d), seconded by Councilmember LeBaron. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.**

*The minutes for the closed session are kept in a separate location.*

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CLEARFIELD CITY COUNCIL MEETING MINUTES  
7:00 P.M. REGULAR SESSION  
October 9, 2012

PRESIDING:	Don Wood	Mayor
PRESENT:	Kent Bush	Councilmember
	Kathryn Murray	Councilmember
	Mike LeBaron	Councilmember
	Mark Shepherd	Councilmember
	Bruce Young	Councilmember
STAFF PRESENT:	Brian Brower	City Attorney
	Scott Hodge	Public Works Director
	Eric Howes	Community Services Director
	Sean Montierth	Information Technologies Manager
	Bob Wylie	Administrative Services Director
	Greg Krusi	Police Chief
	Mike Stenquist	Assistant Police Chief
	Wendy Brimhall	Dispatch Supervisor
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder
EXCUSED:	Adam Lenhard	City Manager
	JJ Allen	Assistant City Manager

VISITORS: Joy Brown – American Legion, Sierra Archuleta, John Pacheco, Forrest Scott – Youth City Council, Boy Scout Troop 6

Mayor Wood informed the citizens present that if they would like to comment during the Citizen Comments there were forms to fill out by the door.

Youth City Councilmember Forrest Scott conducted the Opening Ceremony.

APPROVAL OF THE MINUTES FROM THE SEPTEMBER 5, 2012 WORK SESSION, THE SEPTEMBER 25, 2012 REGULAR SESSION AND THE OCTOBER 2, 2012 WORK SESSION

Councilmember Bush requested a correction on the last page of the September 5, 2012 work session minutes. He stated the minutes reflected comments had been made by Planning Commission member Becky Barton and her name was actually Becky Brooks.

**Councilmember Bush moved to approve the minutes from the September 5, 2012 work session as amended and the September 25, 2012 regular session and the October 2, 2012 work session, as written, seconded by Councilmember Murray. The motion carried upon**

**the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.**

### ***SCHEDULED ITEMS***

#### **CITIZEN COMMENTS**

There were no comments.

#### **APPROVAL OF RESOLUTION 2012R-19 REGARDING THE ANNEXATION OF FOUR AREAS IN WEST POINT TO THE NORTH DAVIS FIRE DISTRICT (NDFD)**

The Clearfield City Council acted as the governing authority for the North Davis Fire District (NDFD). Any annexation of new areas into the NDFD must be approved by the Clearfield City Council. In the last few years West Point City approved four annexations, which areas also needed to be annexed into the District's boundaries. This resolution provided notice of the intent to annex those areas in West Point into the District's boundaries as well.

Councilmember Bush inquired if there were a way in which the property could automatically be annexed into the North Davis Fire District boundaries when the annexations were approved by West Point City. Brian Brower, City Attorney, responded this very question had been discussed by City staff when the issue first came to light. He continued since the NDFD had a governing authority, automatic annexations were not allowed by State Code.

**Councilmember Young moved to approve Resolution 2012R-19 regarding the intent to annex four areas in West Point City into the North Davis Fire District (NDFD) and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Shepherd. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.**

### ***COMMUNICATION ITEMS***

#### ***Mayor Wood***

1. Reported communication was continuing to take place between the developer and UTA specific to development of the rail site. He indicated proposals had been made to property owners for property required to re-align 1000 East Street in conjunction with the development.
2. Informed the Council that he had attended a rehearsal last week for the children's theatre production of 101 Dalmatians. He mentioned it would be a great performance and encouraged attendance. He stated the performances were scheduled for Wednesday, October 10, 2012 through Saturday, October 13, 2012 at 7:00 with an additional matinee on Saturday at 4:00 p.m.

#### ***Councilmember Bush***

1. Reported he had participated in walking to school with students attending Doxey Elementary on Wednesday, September 26, 2012. He commented there was a section of the Cary property lacking

sidewalk and expressed his opinion it was a dangerous situation. He suggested the City attempt to remedy the situation.

2. Stated he ate lunch at Job Corps that same day.
3. Informed the Council he had attended the Wasatch Choice 2040 Symposium at the Salt Palace in Salt Lake City.
4. Reported he attended the APA conference in Provo.
5. Expressed appreciation to staff and the Council for the flowers and cards his family received at the passing of his twin grandsons and the situation with his daughter. His family appreciated the thoughtfulness and requested department heads pass along his appreciation to their staff.

***Councilmember LeBaron*** –nothing to report.

***Councilmember Murray*** – nothing to report.

***Councilmember Shepherd***

1. Informed the Council that he had also participated in walking to school with students attending Dodoxy Elementary.
2. Reported the committee planning the Wasatch Wing Fest was continuing to meet. He stated several companies had committed to participating and believed there would be approximately fifteen food vendors. He mentioned the Wing Festival would be part of the City's Fourth of July celebration and shared in detailing some of the plans. He expressed his opinion it would be a phenomenal event.

***Councilmember Young***

1. Reported the Youth City Council was conducting a clothing drive to benefit the homeless shelter. He mentioned they were specifically requesting suits, dress shirts and ties.
2. Stated the Mosquito Abatement District meeting was taking place during this same meeting; therefore, he was not attending.

## STAFF REPORTS

***Nancy Dean, City Recorder*** – Informed the Council that no meeting was scheduled for Tuesday, October 16, 2012. She stated a work session and regular session were scheduled for Tuesday, October 23, 2012.

***Scott Hodge, Public Works Director***

1. Expressed appreciation to the Council for spending its time during last week's work session at the public works and parks shops facilities. He reminded them to contact him with any questions regarding the draft study.
2. Reported the 1000 West/700 South road project had been paved. He indicated manholes would be raised later in the week. He stated the 2000 East project was continuing. The water line had been installed from 1450 South to the south side of the canal. He indicated the contractor had been forced to delay additional work for approximately one week because of the ground water in the area. He stated once water was no longer in the canal beginning next Monday, work would resume on the project. He stated the contractor was completing other work associated with the project such as grading for sidewalk and curb and gutter. He informed the Council the crack seal project was currently out to bid and would be completed later in the fall.

There being no further business to come before the Council in policy session, **Councilmember LeBaron** moved to adjourn the policy session and reconvene in a work session at 7:20 p.m., seconded by Councilmember Shepherd. The motion carried upon the following vote: **Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.**

DRAFT

CLEARFIELD CITY COUNCIL MEETING MINUTES  
7:00 P.M. WORK SESSION  
October 9, 2012

PRESIDING:	Don Wood	Mayor
PRESENT:	Kent Bush Kathryn Murray Mike LeBaron Mark Shepherd Bruce Young	Councilmember Councilmember Councilmember Councilmember Councilmember
STAFF PRESENT:	Brian Brower Greg Krusi Mike Stenquist Wendy Brimhall Sean Montierth Bob Wylie Nancy Dean Kim Read	City Attorney Police Chief Assistant Police Chief Dispatch Supervisor IT Manager Administrative Services Director City Recorder Deputy City Recorder
EXCUSED:	Adam Lenhard JJ Allen	City Manager Assistant City Manager

VISITORS: There were no visitors.

Mayor Wood called the meeting to order at 7:27 p.m.

DISCUSSION ON DISPATCH SERVICES

The City Council toured the City's Dispatch Center at 7:30 p.m.

The City Council returned to the Executive Conference Room at 8:00 p.m.

Bob Wylie, Administrative Services Director, distributed a handout reflecting the shared costs associated with funding the City's dispatch center and reviewed it with the Council. He pointed out the dispatch center was supported by the general fund. He stated the variable cost was the actual operational budget and indicated most of that was for salaries. He reported the UCAN charge was for the State's 800 mega hertz radio system. He stated the City did receive 911 revenue and directed the Council to that figure.

Mr. Wylie pointed out the City provided dispatch services for the City's police department as well as North Davis Fire District (NDFD). He summarized the net cost for the dispatch center was approximately \$530,000 per year.

Mayor Wood believed there were some other costs not represented in Mr. Wylie's figures such as utilities, building space, etc. Mr. Wylie responded there were direct costs associated with dispatch and reported on those such as software specific to the EMS/Fire and reviewed those with the Council.

Mr. Wylie distributed a second handout which reflected the direct cost for providing dispatch services for NDFD. He pointed out there was approximately \$15,000 directly related to NDFD dispatch services.

Councilmember Murray informed the Council that the NDFD had solicited a Request for Proposal (RFP) for dispatch services and reported Chief Bodily believed Davis County could provide dispatch services for approximately one third of the City's costs. She inquired about the possible consequences to the City if the NDFD contracted with the County for its dispatch services.

Mr. Wylie responded the City had outright purchased the software required for fire dispatch services; therefore, nothing would be recovered from the purchase, but the City would no longer continue paying the annual maintenance costs. Mayor Wood inquired if the software purchase had been a request from the NDFD. Wendy Brimhall, Dispatch Supervisor, responded the purchase was a result of discussions with the administration of the NDFD. Mayor Wood clarified the purchase for the paging system wouldn't have taken place without the request from Chief Bodily and Deputy Chief Beacraft. Councilmember Murray inquired if Davis County currently had software offering the same capabilities. Ms. Brimhall believed the County had the same capabilities. Sean Montierth, IT Manager, reported the County currently didn't have the Centrix upgrade. He continued Clearfield's dispatch center was the only one in Davis County that had purchased that upgrade to date. He indicated the County would eventually have it, but was not scheduled to receive it in the near future.

Councilmember Murray clarified even if the County were selected to provide dispatch services for the NDFD and a call was received in the City's dispatch center, the call would be handled through Clearfield's dispatch center. Ms. Brimhall emphasized the only difference would be the City's dispatcher wouldn't generate an incident report and wouldn't be monitoring the call. Mayor Wood pointed out the City would not recognize any savings if the County were selected to provide dispatch services to NDFD because the center would still have to be manned and any calls received in the center would be addressed prior to it being received by the County. A discussion related to how dispatch service centers were funded specific to Clearfield residents took place.

Mayor Wood clarified the City would still have the fixed costs associated with the dispatch center, yet still provide dispatch services even if NDFD contracted with the County. Councilmember LeBaron inquired if another entity could benefit from the upgrades implemented at the City's dispatch center. A discussion took place regarding possibly bringing in other entities to the City's dispatch services center. Mayor Wood believed the County could provide the

services cheaper because their costs were shared by every taxpayer within the county. He expressed concern regarding the level of service received by residents when numerous calls were coming into a dispatch center.

Mayor Wood also expressed his opinion that upon the creation of the NDFD there was no intent or thought given to the fact NDFD would leave the City's dispatch center and go to the County for those services. Brian Brower, City Attorney, distributed a page of the Resolution approving the creation of the NDFD and read from Section 3. He expressed his opinion there wasn't any language which prohibited the NDFD from going elsewhere for dispatch services. He suggested the City might have looked on the creation of the District differently if it had entertained the idea that at some future time the District would take its dispatch services elsewhere creating a loss in annual revenue for the City. Mayor Wood pointed out the negotiations relative to the creation of the NDFD had taken place prior to his being elected to the City Council.

Councilmember LeBaron expressed his opinion the reason the NDFD was looking to the County to provide dispatch services at a lower fee was related to the property tax cap. Mr. Brower reported the District had appealed the property tax cap with the State Tax Commission and a decision was rendered to allow the District to retain its rate based on the same revenue rather than the same certified tax rate. He noted the decision was based on an exception allowed in the State Code. Councilmember Shepherd commented the NDFD proposed tax rate would need to be approved by the City Council. Nancy Dean, City Recorder, added it would be before the Council for approval on Tuesday, October 23, 2012.

Councilmember Murray expressed her opinion it was the original intent for the City to provide the District with 911 dispatch services. Councilmember Shepherd also believed the intent of the original agreement was for the City to provide dispatch services; in addition the intent of the tax rate was not to cost them in the future but to maintain.

Mayor Wood cautioned members of the Council that as each one of them sit on various boards they should remember to represent the residents and community's interest first and foremost.

Councilmember Shepherd believed the dispatch services in conjunction with the creation of the NDFD should be a focus point. Mayor Wood emphasized the fact that the City had been willing to make expenditures in the past which benefitted the NDFD and supported the City's intent to provide the best possible dispatch services to the District and believed it should commit the same.

Mr. Brower pointed out the County could bid whatever it wanted because the City would never be able to compete on a cost per call basis due to the fact its costs were spread out among the County property owners as a whole. He pointed out if the City were to lose the NDFD revenue, the cost to operate the City's dispatch center would increase for the City's property owners.

Councilmember Shepherd stated the NDFD should be encouraged to focus on growth as a District. Councilmember Young inquired if a comparison study had ever been completed to compare levels of service by the City's dispatch center. He believed the knowledge of the geographical area of the City should also be considered.

Mayor Wood reminded the Council how much the City had contributed to the creation of the NDFD. He continued assets were divested, fire engines, ambulances, equipment and other things. He suggested the West Point City board members would feel the same way if their community had given so much to benefit the District.

Councilmember Young inquired if there were any way to require any calls for service on behalf of Clearfield residents for the NDFD to be dispatched through the City's dispatch center. Mr. Brower believed that would be too difficult to make happen. He emphasized the District didn't have the authority to levy a tax increase, only the governing body could do that and Clearfield City was the governing authority for the District. .

Councilmember Shepherd believed the dispatch issue was entirely budget driven. Mayor Wood expressed appreciation to City staff for its efforts in providing information for the meeting.

The meeting adjourned at 8:45 p.m.



## Community Development

Planning & Zoning, Building Inspections,  
Business Licensing, and CDBG Administration

---

**TO:** THE HONORABLE MAYOR AND CITY COUNCIL

**FROM:** Valerie Claussen, MPA, AICP  
Development Services Manager  
[vclaussen@clearfieldcity.org](mailto:vclaussen@clearfieldcity.org) or (801) 525-2785

**MEETING DATE:** October 23, 2012

**SUBJECT:** Public Hearing, Discussion and Possible Action on **FSP 1209-0003**, a request by Betty Parker, with Freeport Center Associates, for a Final Subdivision Plat of approximately 19.248 acres into four lots located in the D-11, D-12, G-6, and G-7 areas of the Freeport Center. The property is zoned M-1 and located in the vicinity of C and D Streets and 9th and 11th Streets and F and G Streets and 5th and 7th Streets. (TINs: 12-065-0055, 12-065-0102, 12-065-0052)

---

### RECOMMENDATIONS

- A.) Hold the Public Hearing
- B.) Move to **approve** FSP 1209-0003, a Final Subdivision Plat known as Lifetime at Freeport, based on the discussion and findings provided in the Planning Commission Staff Report, and authorize the Mayor's signature to any necessary documents.

---

### EXECUTIVE SUMMARY

#### Planning Commission Recommendation

The Planning Commission heard this item at the October 3, 2012 Planning Commission meeting and unanimously recommends approval to the City Council.

#### Background

The Planning Commission Staff Report and related exhibits are attached to this report (See *Attachment 1*). There have been no changes since the Staff Report was published.

---

### ATTACHMENT

1. October 3, 2012 Planning Commission Staff Report



# **PLANNING COMMISSION**

## **STAFF REPORT**

AGENDA  
ITEM  
**#5 A & B**

**TO:** Planning Commission

**FROM:** Valerie Claussen, MPA, AICP  
Development Services Manager  
[vclaussen@clearfieldcity.org](mailto:vclaussen@clearfieldcity.org) (801) 525-2785

**MEETING DATE:** October 3, 2012

**SUBJECT:** **A.)** Public Hearing, Discussion and Possible Action on **PSP 1209-0002**, a request by Betty Parker, with Freeport Center Associates, for a Preliminary Subdivision Plat of approximately 19.248 acres into four lots located in the D-11, D-12, G-6, and G-7 areas of the Freeport Center. The property is zoned M-1 and located in the vicinity of C and D Streets and 9th and 11th Streets and F and G Streets and 5th and 7th Streets. (TINs: 12-065-0055, 12-065-0102, 12-065-0052)

**B.)** Public Hearing, Discussion and Possible Action on **FSP 1209-0003**, a request by Betty Parker, with Freeport Center Associates, for a Final Subdivision Plat of approximately 19.248 acres into four lots located in the D-11, D-12, G-6, and G-7 areas of the Freeport Center. The property is zoned M-1 and located in the vicinity of C and D Streets and 9th and 11th Streets and F and G Streets and 5th and 7th Streets. (TINs: 12-065-0055, 12-065-0102, 12-065-0052)

---

### **RECOMMENDATIONS**

**A.)** Move to **approve** PSP 1209-0002, a Preliminary Subdivision Plat for portions of areas D and G of Freeport Center, based on the discussion and findings provided in the Staff Report.

**B.)** Move to recommend **approval** to the City Council, FSP 1209-0003, a Final Subdivision Plat for portions of areas D and G of Freeport Center, based on the discussion and findings provided in the Staff Report.



---

## **ANALYSIS**

### **Master Plan and Zoning**

The parcels are all Master Planned and zoned for Manufacturing. The sites all consist of developed Industrial buildings. Both of the proposed subdivisions meet the intent of the Master Plan's policies, specifically Guideline #10 *Manufacturing uses should be highly accessible, clustered near the center of their service areas and developed in harmony with the uses and character of surrounding districts* and Guideline #14 *Manufacturing and industrial activities should be limited to those areas already zoned for such uses.*

The subdivision is also consistent with the purposes of the Land Use Ordinance fostering the City's industries, as well as the traditional zoning standards (e.g. minimum lot sizes, access) of the Manufacturing Zone.

Furthermore, these plats enable Freeport Center and Lifetime to complete property sales transactions that would not otherwise be able to occur without appropriate platting of the lots.

### **Subdivision Plat Approval**

The areas of Freeport Center proposed for further subdivision are already developed, and no further impacts will occur to utilities, roads, and the site than what exists today.

### **Public Comment**

No public comment has been received to date.

---

## **ATTACHMENTS**

1. D-11 and D-12 Subdivision Plat
2. G-6 and G-7 Subdivision Plat

# Freeport Center Building D11 & D12

A part of the East 1/2 of Section 11 and West 1/2 of Section 12, T4N, R2W, SLB&M, U.S. Survey  
Clearfield City, Davis County, Utah

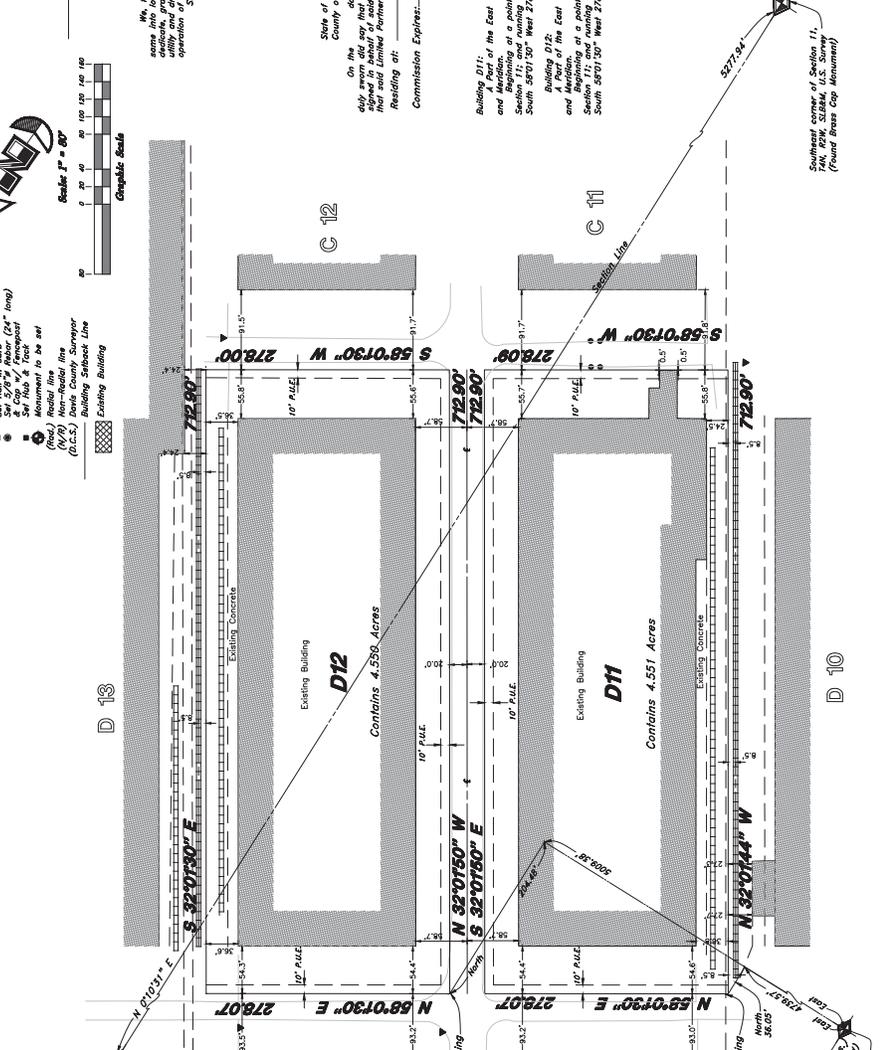
**NARRATIVE:**  
The Survey and Subdivision plat was done at the request of Betty Perce Brasz Cop. Monuments were found at the Northwest, Northeast and West 1/4 corners of Section 11, T4N, R2W, SLB&M, U.S. Survey as depicted on this plat. A line bearing N 0°08'31" E between the Northwest and West 1/4 corner monuments was used as the basis of bearings. Property corners were monumented as depicted.

**LEGEND**  
 • Set with by Cop. (24" long)  
 • Cop. of Freeport  
 • Cop. of Monument to be set  
 (Red) Radial line  
 (N/S) Non-radial line  
 (P.C.S.) Building Submittal Line  
 Existing Building

**OWNER'S DEDICATION**  
We, the undersigned owners of the herein described tract of land, hereby set apart and dedicate to the public utility service lines and drainage, as may be authorized by Clearfield City, Utah, those certain strips of easements for public operation of the public utility service lines and drainage, as may be authorized by Clearfield City, Utah, on the day of \_\_\_\_\_, 2012.

**ACKNOWLEDGMENT**  
On the \_\_\_\_\_ day of \_\_\_\_\_, 2012, personally appeared before me \_\_\_\_\_ who being by me signed in behalf of said Limited Partnership by a resolution of its Partners and acknowledged to me their said Limited Partnership executed the same.  
Reading at: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_  
A Notary Public commissioned in Utah  
Notary \_\_\_\_\_

**BOUNDARY DESCRIPTION**  
Building D11: The East 1/2 of Section 11 and West 1/2 of Section 12, Township 4 North Range 2 West, Salt Lake Base and Meridian. Beginning at a point which is 278.07 feet East and 265.05 feet North from the West quarter corner of said Section 11; thence South 58°07'30" West 278.00 feet; thence North 32°07'50" East 72.90 feet to the point of beginning. Contains 4.551 Acres.  
Building D12: A part of the East 1/2 of Section 11 and West 1/2 of Section 12, Township 4 North Range 2 West, Salt Lake Base and Meridian. Beginning at a point which is 5009.58 feet East, and 204.48 feet North from the West quarter corner of said Section 11; and running thence North 58°07'30" East 278.07 feet; thence South 32°07'50" East 72.90 feet thence South 58°07'30" West 278.00 feet; thence North 32°07'50" West 72.90 feet to the point of beginning. Contains 4.550 Acres.



Northwest corner of Section 11, T4N, R2W, SLB&M, U.S. Survey (Found Brass Cop Monument)  
West Quarter corner of Section 11, T4N, R2W, SLB&M, U.S. Survey (Found Brass Cop Monument)

**GREAT BASIN ENGINEERING**  
1450 S. 1000 E., SUITE 100, CLEARFIELD, UT 84015  
PHONE: 435-764-1111 FAX: 435-764-1112  
WWW.GREATBASINENGINEERING.COM

**CLEARFIELD CITY ENGINEER**  
I have examined this plat and it is correct in accordance with information on file in this office.  
Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2012.  
Signature \_\_\_\_\_  
Chairperson

**CLEARFIELD CITY PLANNING COMMISSION**  
Approved as to form by the Clearfield City Planning Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.  
Signature \_\_\_\_\_  
Chairperson

**CLEARFIELD CITY ATTORNEY**  
Approved as to form by the Clearfield City Attorney on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.  
Signature \_\_\_\_\_  
City Clerk

**DAVIS COUNTY RECORDER**  
ENTRY NO. \_\_\_\_\_ FEE PAID \_\_\_\_\_  
RECORDED IN BOOK \_\_\_\_\_ OF OFFICIAL RECORDS, PAGE \_\_\_\_\_  
FOR \_\_\_\_\_ RECORDED  
DAVIS COUNTY RECORDER  
BY: \_\_\_\_\_ DEPUTY

**CLEARFIELD CITY APPROVAL**  
Signed and Sealed this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**DAVIS COUNTY RECORDER**  
ENTRY NO. \_\_\_\_\_ FEE PAID \_\_\_\_\_  
RECORDED IN BOOK \_\_\_\_\_ OF OFFICIAL RECORDS, PAGE \_\_\_\_\_  
FOR \_\_\_\_\_ RECORDED  
DAVIS COUNTY RECORDER  
BY: \_\_\_\_\_ DEPUTY

110524-05





## Community Development

Planning & Zoning, Building Inspections,  
Business Licensing, and CDBG Administration

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**TO:** THE HONORABLE MAYOR AND CITY COUNCIL

**FROM:** Valerie Claussen, MPA, AICP  
Development Services Manager  
[vclaussen@clearfieldcity.org](mailto:vclaussen@clearfieldcity.org) or (801) 525-2785

**MEETING DATE:** October 23, 2012

**SUBJECT:** **A.)** Public Hearing to consider **ZTA 1207-0003**, an amendment to the Clearfield City Subdivision Ordinance Title 12, Chapter 4 and Chapter 9 revising the time for guarantee of subdivision improvements from two years to one year.

**B.)** Discussion and Possible Action on the adoption of **Ordinance 2012-11**, which would enact text amendment ZTA 1207-0003, an amendment to Clearfield City Subdivision Ordinance Title 12, Chapter 4 and Chapter 9 revising the time for guarantee of subdivision improvements from two years to one year.

---

### RECOMMENDATIONS

**A.)** Hold the Public Hearing for ZTA 1207-0003.

**B.)** Move to **adopt Ordinance 2012-11**, which would enact ZTA 1207-0003, an amendment to the Clearfield City Subdivision Ordinance Title 12, Chapter 4 and Chapter 9, based on the discussion and findings provided in the Planning Commission Staff Report, and authorize the Mayor's signature to any necessary documents.

---

### EXECUTIVE SUMMARY

#### Planning Commission Recommendation

The Planning Commission held a public hearing and considered this item at the October 3, 2012 Planning Commission meeting and unanimously recommends approval to the City Council.

### **Background**

The Planning Commission Staff Report and related exhibits are attached to this report (See *Attachment A*). There have been no changes since the Staff Report was published. The proposed Ordinance is also attached for reference (See *Attachment B: Ordinance 2021-11*).

---

### **ATTACHMENTS**

- A. October 3, 2012 Planning Commission Staff Report
- B. Ordinance 2012-11

	<p style="text-align: center;"><b>Planning Commission</b> STAFF REPORT</p>	<p style="text-align: center;">AGENDA ITEM <b>#7</b></p>
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**TO:** Planning Commission

**FROM:** Valerie Claussen, MPA, AICP  
Development Services Manager  
[vclaussen@clearfieldcity.org](mailto:vclaussen@clearfieldcity.org) (801) 525-2785

**MEETING DATE:** October 3, 2012

**SUBJECT:** Public Hearing, Discussion and Possible Action on **TA 1207-0003**, an amendment to the Clearfield City Subdivision Ordinance Title 12, Chapter 4 and Chapter 9 revising the time for guarantee of subdivision improvements from two years to one year.

---

**RECOMMENDATION**

Move to recommend **approval** of ZTA 1207-0003, an amendment to the Subdivision Ordinance Title 12 Chapters 4 and 9 revising the time for guarantee of subdivision improvements from two years to one, based on the findings and discussion in the Staff Report.

---

**BACKGROUND**

State legislation was enacted in 2008, commonly referred to as SB196, which revised Utah State Code in authorizing the time limits set for subdivision improvement guarantees. The proposed text amendment reflects these changes made to State Code.

Since the state laws were modified, the City has already modified their processes and been requiring one year warranty periods instead of two. This text amendment is a housekeeping item that codifies the procedures the City has already been following to make the Subdivision Ordinance consistent with state statute.

---

**PROPOSED TEXT AMENDMENT**

**Proposed Changes**

The text amendment requires modifications to Title 12 Chapter 4 and Chapter 9 of the City Code. The changes include striking out two years and replacing it with one year for warranty periods (*See Attachment 1: "Exhibit A" Title 12 Language*). There is also additional language included that references the state code, which does still allow the City to require a two year warranty period when certain determinations are made by the City that this length of warranty period is necessary (*See Attachment 2: 10-9a-604.5 State Code Excerpt*).

---

## ANALYSIS

These proposed changes are consistent with the recently enacted state statutes.

### Public Comment

No public comment has been received to date.

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## FINDINGS

### Zoning Ordinance Text Amendment

Clearfield Land Use Ordinance Section 11-6-3 establishes the following findings the Planning Commission shall make to approve Zoning Ordinance Text Amendments. The findings and staff's evaluation are outlined below:

Review Consideration		Staff Analysis
1)	The proposed amendment is in accordance with the General Plan and Map; or	The proposed text amendment is consistent with the goals and policies of the Land Use Element of the City's General Plan.
2)	Changed conditions make the proposed amendment necessary to fulfill the purposes of this Title.	Changes to Utah State Code were recently made and approved and the proposed changes to the Zoning Ordinance reflect the new laws.

---

## ATTACHMENTS

1. "Exhibit A" TITLE 12: Warranty Period
2. 10-9a-604.5 State Code Excerpt

# “Exhibit A”

---

## Text Amendment for Subdivision Warranty Period

(Revisions shown with CAPS and deletions shown with ~~strikethrough~~.)

---

### TITLE 12 CHAPTER 4: PROCEDURES, GENERALLY

#### 12-4-6: IMPROVEMENT REQUIREMENTS:

C. Guarantee: EXCEPT FOR OTHER TIME FRAMES THAT CAN BE IMPOSED AS PROVIDED UNDER STATE LAW all improvements constructed by the subdivider shall be guaranteed for a period of ~~two (2)~~ ONE (1) year after installation and final inspection for compliance to city standards. Prior to the city council accepting the improvements for purpose of perpetual maintenance, the ~~building official~~ CITY ENGINEER shall review the condition of construction and prepare a report of recommendation to the city council. All REPLACEMENT OR REPAIRS OF pavements or other improvements SHALL BE ACCOMPLISHED ~~requiring replacement or repairs~~ at the subdivider's own expense prior to acceptance by the city council. (Ord., 7-10-1979; amd. 2000 Code; Ord. 2008-8, 9-9-2008, eff. 10-1-2008)

D. Commencement Of Construction: Construction of improvements shall not proceed until recording of the plat has been accomplished.

E. Final Inspection: EXCEPT FOR OTHER TIME FRAMES THAT CAN BE IMPOSED AS PROVIDED UNDER STATE LAW, ~~Two (2)~~ ONE (1) year after the completion of construction of improvements (date of intermediate inspection), a final inspection shall be made by the city engineer. The results of this inspection shall be made known to the subdivider and city council, and if all work is satisfactory, a recommendation will be made to release the escrow account security held by the city. (Ord., 7-10-1979)

### CHAPTER 9: IMPROVEMENTS

#### 12-9-11: GUARANTEE OF IMPROVEMENTS:

EXCEPT FOR OTHER TIME FRAMES THAT CAN BE IMPOSED AS PROVIDED UNDER STATE LAW, all improvements constructed by the subdivider shall be guaranteed for a period of ~~two (2)~~ ONE (1) year after installation. Prior to the City Council accepting the improvements for purposes of perpetual maintenance, the City Engineer shall review the condition of construction and

## “Exhibit A”

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prepare a report of recommendation to the City Council. All pavements or other improvements requiring replacement or repair shall be defined by the City Engineer and the subdivider shall complete all required replacements or repairs at his own expense prior to acceptance by the City Council. (Ord., 7-10-1979)

### **12-9-13: INSPECTIONS:**

C. Final Inspection: EXCEPT FOR OTHER TIME FRAMES THAT CAN BE IMPOSED AS PROVIDED UNDER STATE LAW, Two (2) ~~Two (2)~~ ONE (1) year after the completion of construction of improvements (date of intermediate inspection), a final inspection shall be made by the City Engineer. The results of this inspection shall be made known to the subdivider and City Council, and if all work is satisfactory, a recommendation will be made to release the remainder of the escrow account or surety bond. (Ord., 3-11-1980)

## ATTACHMENT 2

### 10-9a-604.5 State Code Excerpt

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**10-9a-604.5. Subdivision plat recording or development activity before required improvements are completed -- Improvement assurance -- Warranty.**

A land use authority may allow a land use applicant to proceed with subdivision plat recording or development activity before completing improvements required as a condition precedent to subdivision plat recording or development activity if:

- (1) the land use authority requires an improvement assurance that provides for:
  - (a) an improvement assurance warranty for a period of up to:
    - (i) one year after final acceptance of the improvement or warranty work; or
    - (ii) two years after final acceptance of the improvement or warranty work, if the municipality:
      - (A) determines for good cause that a lesser period would be inadequate to protect the public health, safety, and welfare; and
      - (B) has substantial evidence of:
        - (I) prior poor performance of the applicant;
        - (II) unstable soil conditions within the subdivision or development area; or
        - (III) extreme fluctuations in climatic conditions that would render impracticable the discovery of substandard or defective performance within a one-year period; and
  - (b) a partial release of the improvement assurance, if appropriate; and
- (2) the land use authority establishes objective inspection standards for final acceptance of the required improvements.

*Enacted by Chapter 112, 2008 General Session*

# ATTACHMENT B

## CLEARFIELD CITY ORDINANCE 2012-11

### AN ORDINANCE AMENDING TITLE 12 OF THE CLEARFIELD CITY CODE

**PREAMBLE:** This Ordinance amends Title 12 of the Clearfield City Code by amending Chapter 4, Section 6 and Chapter 9, Section 11 and Section 13.

### BE IT ORDAINED BY THE CLEARFIELD CITY COUNCIL:

#### **Section 1. Enactment:**

*Title 12, Chapter 4, Section 6, Paragraph C of the Clearfield City Code is hereby amended to read as follows:*

Guarantee: Except for other time frames that can be imposed as provided under state law, all improvements constructed by the subdivider shall be guaranteed for a period of one (1) year after satisfactory installation and intermediate inspection for compliance to city standards. Prior to the City Council accepting the improvements for purpose of perpetual maintenance, the City Engineer shall conduct a final inspection to review the condition of construction and prepare a report of recommendation to the City Council. All replacement or repairs of pavements or other improvements shall be accomplished at the subdivider's own expense prior to acceptance by the City Council.

*Title 12, Chapter 4, Section 6, Paragraph E of the Clearfield City Code is hereby amended to read as follows:*

Final Inspection: Except for other time frames that can be imposed as provided under state law, one (1) year after the satisfactory completion of construction of improvements (date of intermediate inspection), a final inspection shall be made by the City Engineer. The results of this inspection shall be made known to the subdivider and City Council, and if all work is satisfactory (without defect in materials or workmanship), a recommendation will be made to release the escrow account security held by the city.

*Title 12, Chapter 9, Section 11 of the Clearfield City Code is hereby amended to read as follows:*

Except for other time frames that can be imposed as provided under state law, all improvements constructed by the subdivider shall be guaranteed for a period of one (1) year after satisfactory installation and intermediate inspection for compliance to city standards. Prior to the City Council accepting the improvements for purposes of perpetual maintenance, the City Engineer shall conduct a final inspection to review the condition of construction and prepare a report of recommendation to the City Council. All pavements or other improvements requiring replacement or repair shall be defined by the City Engineer and the subdivider shall complete all required replacements or repairs at his own expense prior to acceptance by the City Council. (Ord., 7-10-1979)

*Title 12, Chapter 9, Section 13, Paragraph C of the Clearfield City Code is hereby amended to read as follows:*

Final Inspection: Except for other time frames that can be imposed as provided under state law, one (1) year after the satisfactory completion of construction of improvements (date of intermediate inspection), a final inspection shall be made by the City Engineer. The results of this inspection shall be made known to the subdivider and City Council, and if all work is satisfactory (without defect in materials or workmanship), a recommendation will be made to release the remainder of the escrow account or surety bond.

**Section 2. Repealer:** Any provision or ordinances that are in conflict with this ordinance are hereby repealed.

**Section 3. Effective Date:** These amendments shall become effective immediately upon passage and posting.

Passed and adopted by the Clearfield City Council this 23<sup>rd</sup> day of October, 2012.

CLEARFIELD CITY CORPORATION

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Donald W. Wood, Mayor

ATTEST:

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Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:

EXCUSED:

# CLEARFIELD CITY ORDINANCE 2012-11

## AN ORDINANCE AMENDING TITLE 12 OF THE CLEARFIELD CITY CODE

**PREAMBLE:** This Ordinance amends Title 12 of the Clearfield City Code by amending Chapter 4, Section 6 and Chapter 9, Section 11 and Section 13.

### **BE IT ORDAINED BY THE CLEARFIELD CITY COUNCIL:**

#### **Section 1. Enactment:**

*Title 12, Chapter 4, Section 6, Paragraph C of the Clearfield City Code is hereby amended to read as follows:*

Guarantee: Except for other time frames that can be imposed as provided under state law, all improvements constructed by the subdivider shall be guaranteed for a period of one (1) year after satisfactory installation and intermediate inspection for compliance to city standards. Prior to the City Council accepting the improvements for purpose of perpetual maintenance, the City Engineer shall conduct a final inspection to review the condition of construction and prepare a report of recommendation to the City Council. All replacement or repairs of pavements or other improvements shall be accomplished at the subdivider's own expense prior to acceptance by the City Council.

*Title 12, Chapter 4, Section 6, Paragraph E of the Clearfield City Code is hereby amended to read as follows:*

Final Inspection: Except for other time frames that can be imposed as provided under state law, one (1) year after the satisfactory completion of construction of improvements (date of intermediate inspection), a final inspection shall be made by the City Engineer. The results of this inspection shall be made known to the subdivider and City Council, and if all work is satisfactory (without defect in materials or workmanship), a recommendation will be made to release the escrow account security held by the city.

*Title 12, Chapter 9, Section 11 of the Clearfield City Code is hereby amended to read as follows:*

Except for other time frames that can be imposed as provided under state law, all improvements constructed by the subdivider shall be guaranteed for a period of one (1) year after satisfactory installation and intermediate inspection for compliance to city standards. Prior to the City Council accepting the improvements for purposes of perpetual maintenance, the City Engineer shall conduct a final inspection to review the condition of construction and prepare a report of recommendation to the City Council. All pavements or other improvements requiring replacement or repair shall be defined by the City Engineer and the subdivider shall complete all required replacements or repairs at his own expense prior to acceptance by the City Council. (Ord., 7-10-1979)

*Title 12, Chapter 9, Section 13, Paragraph C of the Clearfield City Code is hereby amended to read as follows:*

Final Inspection: Except for other time frames that can be imposed as provided under state law, one (1) year after the satisfactory completion of construction of improvements (date of intermediate inspection), a final inspection shall be made by the City Engineer. The results of this inspection shall be made known to the subdivider and City Council, and if all work is satisfactory (without defect in materials or workmanship), a recommendation will be made to release the remainder of the escrow account or surety bond.

**Section 2. Repealer:** Any provision or ordinances that are in conflict with this ordinance are hereby repealed.

**Section 3. Effective Date:** These amendments shall become effective immediately upon passage and posting.

Passed and adopted by the Clearfield City Council this 23<sup>rd</sup> day of October, 2012.

CLEARFIELD CITY CORPORATION

---

Donald W. Wood, Mayor

ATTEST:

---

Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:

EXCUSED:



# CITY COUNCIL

## STAFF REPORT

AGENDA  
ITEM #

---

**TO:** Honorable Mayor and Council

**FROM:** Valerie Claussen, MPA, AICP  
Development Services Manager  
[vclaussen@clearfieldcity.org](mailto:vclaussen@clearfieldcity.org) (801) 525-2785

**MEETING DATE:** October 23, 2012

**SUBJECT:** Discussion, and Possible Action on the final acceptance and escrow release for Clifford Park subdivision Phase 1, Phase 2 and Phase 3, located in the vicinity of 1000 West and 900 South.

---

### RECOMMENDATION

Move to accept the subdivision improvements at Clifford Park Phase 1, Phase 2 and Phase 3 for perpetual maintenance by the City and release any remaining funds associated therewith in escrow to the Developer.

---

### PROJECT SUMMARY

Project Information	
Project Name	Clifford Park, Phase 1, Phase 2 and Phase 3
Site Location	1000 West and 900 South
Developer	Ivory Homes Ben Hansen
Proposed Actions	Final Acceptance and Escrow Release

---

### HISTORY

**December 12, 2006** City Council approves the Development Agreement and Final Plat for Clifford Park (Phase 1, Phase 2 and Phase 3).

**April 2007** Escrow account established for Clifford Park improvements.

**September 2010** Partial Escrow release of completed items; Property owner changes hands, remaining items are identified and began to be completed.

<b>September 2011</b>	Clifford Park placed in warranty.
<b>September 2012</b>	End of one-year warranty period; Final Inspection performed, remaining punch list items identified and subsequently completed.

---

## **BACKGROUND**

Clifford Park, Phase 1, Phase 2 and Phase 3 is located in the vicinity west of 1000 West and south of 700 South (*See Attachment 1: Clifford Park Plats*). In accordance with Title 12, Chapter 9, of the Clearfield City Code, the City Engineer has completed the final inspection of the Clifford Park subdivision and found all improvements to have been installed correctly. The warranty period is over and the City Engineer recommends final acceptance of the improvements for perpetual maintenance, and a release of the escrow by the City Council. The City Engineer's inspection letter and recommendation are attached (*See Attachment 2: Clifford Park Final Inspection and Approval Letter*).

---

## **ATTACHMENTS**

1. Clifford Park Plats
2. Clifford Park Final Inspection and Approval Letter







1 October 2012

City of Clearfield  
55 South State Street  
Clearfield City, Utah 84015

Attn: Valerie Claussen, Development Services Manager  
Proj: **Clifford Park Estates Subdivision – Phase #1, #2 and #3**  
Subj: Outstanding Subdivision Improvements – Punch List Warrantee Items

Dear Valerie,

During the last several months, I conducted on-site inspections of punch list items with Mr. Ben Hansen, Compliance Manager of Ivory Homes, for the above referenced subdivision.

Through the past summer months, Mr. Hansen directed the repair and replacement of all improvements that failed during the “Warranty Period”. Mr. Hansen recently had four (4) large park strip trees along 1000 West Street replaced, completing all outstanding punch list work. All other items that were noted in our 30<sup>th</sup> of May, 2012 letter, as needing repair or replacement, were inspected and found completed and meeting the City Standards.

I recommend approval and warrantee release of the Clifford Park Estates Subdivision.

Should you have any questions, feel free to contact our office.  
Sincerely,

**CEC, Civil Engineering Consultants, PLLC.**



N. Scott Nelson, PE.  
*City Engineer*

Cc. Scott Hodge, Public Works Director  
Kim Dabb, Operations Manager  
Dan Schuler, Public Works Inspector  
Michael McDonald, Building Official  
Ben Hansen, Ivory Homes



## Community Development

Planning & Zoning, Building Inspections,  
Business Licensing, and CDBG Administration

---

**TO:** THE HONORABLE MAYOR AND CITY COUNCIL

**FROM:** Valerie Claussen, MPA, AICP  
Development Services Manager  
[vclaussen@clearfieldcity.org](mailto:vclaussen@clearfieldcity.org) or (801) 525-2785

**MEETING DATE:** October 23, 2012

**SUBJECT:** Discussion and Possible Action on the adoption of **Ordinance 2012-012**, a Text Amendment to Title 3, Chapter 2, Section 4 of the Municipal Code regarding Planning Commissioners compensation for services rendered.

---

### RECOMMENDATIONS

Move to **approve Ordinance 2012-012**, a text amendment to to Title 3, Chapter 2, Section 4 of the Municipal Code regarding Planning Commissioners compensation for services rendered, based on the discussion in the Staff Report, and authorize the Mayor's signature to any necessary documents.

---

### EXECUTIVE SUMMARY

#### Background

At the September 25, 2012 City Council Work Session the current remuneration for Planning Commissioners was discussed. A simple comparison was made between the City's current rate of compensation (which is \$15 per meeting for a Commissioner and \$25 per meeting for the Chair) to surrounding jurisdictions and what they pay their Commissioners.

The Planning Commission has also consolidated their meeting schedule to meet once a month instead of twice a month, so the modification of compensation accounts for not only this change, but an actual increase above simply doubling the currently set amount.

The proposed increase to \$50 per meeting for a Commission and \$75 for the Chair is more consistent with surrounding municipalities. Any impact on the division's budget will be adjusted when the Council re-opens the budget at the end of the fiscal year. The proposed Ordinance is attached.

---

### ATTACHMENTS

1. Ordinance 2012-12

# CLEARFIELD CITY ORDINANCE 2012-12

## AN ORDINANCE AMENDING TITLE 3 OF THE CLEARFIELD CITY CODE

**PREAMBLE:** This Ordinance amends Title 3 of the Clearfield City Code by amending Chapter 2, Section 4.

### **BE IT ORDAINED BY THE CLEARFIELD CITY COUNCIL:**

#### **Section 1. Enactment:**

*Title 3, Chapter 2, Section 4 of the Clearfield City Code is hereby amended to read as follows:*

The remuneration paid to members of the planning commission (per meeting which the member attends) shall be fifty dollars (\$50) and the chair of the planning commission (per meeting which the chair attends) shall be seventy-five dollars (\$75) for their services rendered. Upon approval of the city council, members may be reimbursed for reasonable expenses actually incurred.

**Section 2. Repealer:** Any provision or ordinances that are in conflict with this ordinance are hereby repealed.

**Section 3. Effective Date:** These amendments shall become effective immediately upon passage and posting.

Passed and adopted by the Clearfield City Council this 23<sup>rd</sup> day of October, 2012.

CLEARFIELD CITY CORPORATION

---

Donald W. Wood, Mayor

ATTEST:

---

Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:

EXCUSED:

# CLEARFIELD CITY ORDINANCE 2012-12

## AN ORDINANCE AMENDING TITLE 3 OF THE CLEARFIELD CITY CODE

**PREAMBLE:** This Ordinance amends Title 3 of the Clearfield City Code by amending Chapter 2, Section 4.

**BE IT ORDAINED BY THE CLEARFIELD CITY COUNCIL:**

**Section 1. Enactment:**

*Title 3, Chapter 2, Section 4 of the Clearfield City Code is hereby amended to read as follows:*

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**Section 2. Repealer:** Any provision or ordinances that are in conflict with this ordinance are hereby repealed.

**Section 3. Effective Date:** These amendments shall become effective immediately upon passage and posting.

Passed and adopted by the Clearfield City Council this 23<sup>rd</sup> day of October, 2012.

CLEARFIELD CITY CORPORATION

---

Donald W. Wood, Mayor

ATTEST:

---

Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:

EXCUSED:

16 October 2012

Clearfield City  
55 South State Street  
Clearfield, Utah 84015

Attn: Mayor Don Wood and City Council  
Proj: **2012 Crack Seal Improvement Project**  
Subj: Bid Results, Bid Proposal Tabulation & Recommendation

Dear Mayor Wood and Council Members,

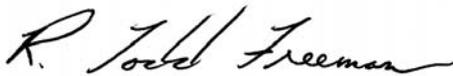
The “Bid Opening” for the above referenced project was conducted this afternoon. The lowest responsible bidder is Kilgore Contracting of Salt Lake City, Utah.

Enclosed are the “Bid Results” and “Bid Proposal Tabulation”. Kilgore Contracting’s bid was reviewed and found to meet the bidding conditions required in the Contract Documents.

Since NAME Construction’s bid is the low bid for the advertised project, and their bid meets the conditions of the Contract Documents, I herewith recommend award of the above referenced project in the amount of \$41,134.59 to Kilgore Contracting Company.

Should you have any questions or desire additional information concerning the contractor or his bid, please feel free to contact our office at your earliest convenience.

Sincerely,  
**CEC, Civil Engineering Consultants, PLLC.**



R. Todd Freeman, P.E.  
*City Engineer*

cc: Scott Hodge – Clearfield Public Works Director  
Kim Dabb – Clearfield City Operations Manager



BID RESULTS

**2012 Crack Seal  
Improvement Project**

OWNER: CLEARFIELD CITY  
ENGINEER: CEC, CIVIL ENGINEERING CONSULTANTS

BID DATE: October 16, 2012  
TIME: 2:00 pm  
BID LOCATION: Clearfield City Offices  
55 South State Street; 3<sup>rd</sup> Floor  
Clearfield, UT 84015

PLAN HOLDER NAME	ADDENDUM #1	BID BOND	BID AMOUNT
Kilgore Contracting	1	5%	\$41,134.59
Preferred Paving	1	5%	\$44,204.00
M&M Asphalt Services, Inc.	1	5%	\$48,991.00
Morgan Pavement Maintenance	1	5%	\$62,129.00
Post Asphalt Paving & Construction	1	5%	\$116,508.00

**BID PROPOSAL TABULATION**

**2012 CRACK SEAL IMPROVEMENT PROJECT**

BID DATE: 16 OCTOBER 2012

OWNER: CLEARFIELD CITY

PUBLIC WORKS DIRECTOR: SCOTT HODGE

Bid Item	Description	Quantity	Unit	Kilgore Contracting 7057 West 2100 South Salt Lake City, UT 84044		Preferred Paving 3280 W. Directors Row Salt Lake City, UT 84104		M&M Asphalt Services 5464 West Leo Park Road West Jordan, UT 84081	
				Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
1.	Mobilization.	1	ls	\$1,680.00	\$1,680.00	\$1.00	\$1.00	\$0.00	\$0.00
2.	Crack Seal - 2500 South Street, from 125 East to South Main Street (approximately 2,175 s.y).	1	ls	\$712.75	\$712.75	\$371.00	\$371.00	\$635.00	\$635.00
3.	Crack Seal - 200 East, from Gordon Street to 2450 South (approximately 5,880 s.y).	1	ls	\$1,828.57	\$1,828.57	\$1,809.00	\$1,809.00	\$1,618.00	\$1,618.00
4.	Crack Seal - 2525 South Street, from 200 East to End (approximately 1,555 s.y).	1	ls	\$509.58	\$509.58	\$348.00	\$348.00	\$359.00	\$359.00
5.	Crack Seal - 2450 South Street, from South Main Street to 250 East (approximately 5,510 s.y).	1	ls	\$1,805.64	\$1,805.64	\$1,192.00	\$1,192.00	\$1,788.00	\$1,788.00
6.	Crack Seal - 2325 South Street, from 225 East to 50 East (approximately 3,878 s.y).	1	ls	\$1,270.83	\$1,270.83	\$1,334.00	\$1,334.00	\$986.00	\$986.00
7.	Crack Seal - 2275 South Street, from 50 East to 225 East (approximately 5,225 s.y).	1	ls	\$1,712.24	\$1,712.24	\$1,293.00	\$1,293.00	\$1,386.00	\$1,386.00
8.	Crack Seal - 2225 South Street, from 50 East to 225 East (approximately 3,610 s.y).	1	ls	\$1,183.00	\$1,183.00	\$1,012.00	\$1,012.00	\$1,011.00	\$1,011.00
9.	Crack Seal - 2200 South Street, from South Main Street to 250 East (approximately 6,060 s.y).	1	ls	\$1,985.87	\$1,985.87	\$1,263.00	\$1,263.00	\$1,528.00	\$1,528.00
10.	Crack Seal - 2100 South Street, from 50 East to 175 East (approximately 2,125 s.y).	1	ls	\$696.37	\$696.37	\$461.00	\$461.00	\$624.00	\$624.00

Bid Item	Description	Quantity	Unit	Kilgore Contracting 7057 West 2100 South Salt Lake City, UT 84044		Preferred Paving 3280 W. Directors Row Salt Lake City, UT 84104		M&M Asphalt Services 5464 West Leo Park Road West Jordan, UT 84081	
				Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
11.	Crack Seal - 50 East Street, from 2225 South to 2275 South (approximately 2,185 s.y).	1	ls	\$716.03	\$716.03	\$229.00	\$229.00	\$611.00	\$611.00
12.	Crack Seal - 50 East Street, from 2100 South to 2200 South (approximately 1,670 s.y).	1	ls	\$547.26	\$547.26	\$406.00	\$406.00	\$502.00	\$502.00
13.	Crack Seal - 1800 South Street, from 200 East to South Main Street (approximately 2,675 s.y).	1	ls	\$876.60	\$876.60	\$1,224.00	\$1,224.00	\$1,803.00	\$1,803.00
14.	Crack Seal - 1800 South Street, from 200 West to 425 West (approximately 4,280 s.y).	1	ls	\$1,402.56	\$1,402.56	\$2,028.00	\$2,028.00	\$1,503.00	\$1,503.00
15.	Crack Seal - 300 West, from 1800 South to 1700 South (approximately 2,455 s.y).	1	ls	\$804.51	\$804.51	\$1,175.00	\$1,175.00	\$1,126.00	\$1,126.00
16.	Crack Seal - 425 West Street, from 1800 South to 1900 South (approximately 2,205 s.y).	1	ls	\$722.58	\$722.58	\$819.00	\$819.00	\$889.00	\$889.00
17.	Crack Seal -1850 South Street, from 250 West to 425 West (approximately 3,550 s.y).	1	ls	\$1,163.34	\$1,163.34	\$1,109.00	\$1,109.00	\$905.00	\$905.00
18.	Crack Seal - Jenny Lane, from 2150 South to 1900 South (approximately 5,995 s.y).	1	ls	\$1,964.57	\$1,964.57	\$2,855.00	\$2,855.00	\$2,661.00	\$2,661.00
19.	Crack Seal - South Main Street, from 1980 South to 2250 South (approximately 6,365 s.y).	1	ls	\$2,085.82	\$2,085.82	\$3,638.00	\$3,638.00	\$5,224.00	\$5,224.00
20.	Crack Seal - South Main Street, from 2400 South to Gordon Street (approximately 5,745 s.y).	1	ls	\$1,882.64	\$1,882.64	\$2,625.00	\$2,625.00	\$3,174.00	\$3,174.00
21.	Crack Seal - 2200 South Street, from 350 East to 250 East (approximately 4,025 s.y).	1	ls	\$1,319.00	\$1,319.00	\$1,385.00	\$1,385.00	\$1,205.00	\$1,205.00
22.	Crack Seal - 250 West Street, from 1900 South to 1800 South (approximately 1,880 s.y).	1	ls	\$616.08	\$616.08	\$948.00	\$948.00	\$986.00	\$986.00

Bid Item	Description	Quantity	Unit	Kilgore Contracting 7057 West 2100 South Salt Lake City, UT 84044		Preferred Paving 3280 W. Directors Row Salt Lake City, UT 84104		M&M Asphalt Services 5464 West Leo Park Road West Jordan, UT 84081	
				Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
23.	Crack Seal - 200 West Street, from 1900 South to 1800 South (approximately 2,125 s.y).	1	ls	\$696.37	\$696.37	\$947.00	\$947.00	\$972.00	\$972.00
24.	Crack Seal - 100 East Street, from Gordon Street to 2675 South (approximately 565 s.y).	1	ls	\$185.15	\$185.15	\$313.00	\$313.00	\$356.00	\$356.00
25.	Crack Seal - 2675 South Street, from 75 East to 200 East (approximately 2,370 s.y).	1	ls	\$776.65	\$776.65	\$1,542.00	\$1,542.00	\$2,037.00	\$2,037.00
26.	Crack Seal - 2600 South Street, from 75 East to 200 East (approximately 2,670 s.y).	1	ls	\$874.96	\$874.96	\$1,042.00	\$1,042.00	\$1,295.00	\$1,295.00
27.	Crack Seal - 150 East Street, from 2675 South to End (approximately 955 s.y).	1	ls	\$312.95	\$312.95	\$486.00	\$486.00	\$816.00	\$816.00
28.	Crack Seal - 75 East Street, from 2675 South to 2500 South (approximately 3,110 s.y).	1	ls	\$1,019.15	\$1,019.15	\$1,132.00	\$1,132.00	\$1,561.00	\$1,561.00
29.	Crack Seal - 225 East Street, from 2100 South to 2400 South (approximately 7,075 s.y).	1	ls	\$2,318.49	\$2,318.49	\$1,789.00	\$1,789.00	\$1,919.00	\$1,919.00
30.	Crack Seal - 2400 South Street, from 50 East to 225 East (approximately 3,745 s.y).	1	ls	\$1,227.24	\$1,227.24	\$957.00	\$957.00	\$1,204.00	\$1,204.00
31.	Crack Seal - 50 East Street, from 2325 South to 2400 South (approximately 2,345 s.y).	1	ls	\$768.46	\$768.46	\$588.00	\$588.00	\$748.00	\$748.00
32.	Crack Seal - 2400 South Street, from South Main Street to 50 East (approximately 1,095 s.y).	1	ls	\$358.83	\$358.83	\$389.00	\$389.00	\$264.00	\$264.00
33.	Crack Seal - 125 East Street, from 2500 South to 2550 South (approximately 1,025 s.y).	1	ls	\$335.89	\$335.89	\$231.00	\$231.00	\$290.00	\$290.00
34.	Crack Seal - 2550 South Street, from 75 East to 125 East (approximately 1,665 s.y).	1	ls	\$545.62	\$545.62	\$418.00	\$418.00	\$488.00	\$488.00
35.	Crack Seal - 100 East Street, from 2450 South to 2400 South (approximately 975 s.y).	1	ls	\$319.51	\$319.51	\$725.00	\$725.00	\$234.00	\$234.00

Bid Item	Description	Quantity	Unit	Kilgore Contracting 7057 West 2100 South Salt Lake City, UT 84044		Preferred Paving 3280 W. Directors Row Salt Lake City, UT 84104		M&M Asphalt Services 5464 West Leo Park Road West Jordan, UT 84081	
				Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
36.	Crack Seal - 1900 South Street, from South Main Street to 450 West (approximately 9,335 s.y).	1	ls	\$3,059.09	\$3,059.09	\$4,906.00	\$4,906.00	\$5,629.00	\$5,629.00
37.	Crack Seal - 2250 South Street, from South Main Street to 50 East (approximately 680 s.y).	1	ls	\$222.84	\$222.84	\$352.00	\$352.00	\$165.00	\$165.00
38.	Crack Seal - 150 East Street, from 2100 South to End (approximately 495 s.y).	1	ls	\$162.21	\$162.21	\$262.00	\$262.00	\$125.00	\$125.00
39.	Crack Seal - 175 East Street, from 2100 South to 2200 South (approximately 1,420 s.y).	1	ls	\$465.34	\$465.34	\$600.00	\$600.00	\$364.00	\$364.00
<b>TOTAL BID:</b>				<b>\$41,134.59</b>		<b>\$44,204.00</b>		<b>\$48,991.00</b>	
Surety Company				Liberty Mutual Ins. Co.		The Guarantee of North America		Developers Surety & Idemnity	
City, State				Boston, MA		Southfield, MI		Irvine, CA	
Bid Security - Bid Bond Amount				5%		5%		5%	
Contractor's License Number				7741778-5501		341610-5501		95-345196-5501	

**BID PROPOSAL TABULATION**

**2012 CRACK SEAL IMPROVEMENT PROJECT**

BID DATE: 16 OCTOBER 2012

OWNER: CLEARFIELD CITY

PUBLIC WORKS DIRECTOR: SCOTT HODGE

Bid Item	Description	Quantity	Unit	Morgan Paving Maintenance P.O. Box 190 Clearfield, UT 84089		Post Asphalt 1762 West 1350 South Ogden, UT 84401	
				Unit Price	Total Amount	Unit Price	Total Amount
1.	Mobilization.	1	ls	\$0.00	\$0.00	\$5,000.00	\$5,000.00
2.	Crack Seal - 2500 South Street, from 125 East to South Main Street (approximately 2,175 s.y).	1	ls	\$1,120.00	\$1,120.00	\$1,958.00	\$1,958.00
3.	Crack Seal - 200 East, from Gordon Street to 2450 South (approximately 5,880 s.y).	1	ls	\$3,026.00	\$3,026.00	\$5,292.00	\$5,292.00
4.	Crack Seal - 2525 South Street, from 200 East to End (approximately 1,555 s.y).	1	ls	\$800.00	\$800.00	\$1,400.00	\$1,400.00
5.	Crack Seal - 2450 South Street, from South Main Street to 250 East (approximately 5,510 s.y).	1	ls	\$2,836.00	\$2,836.00	\$4,959.00	\$4,959.00
6.	Crack Seal - 2325 South Street, from 225 East to 50 East (approximately 3,878 s.y).	1	ls	\$1,996.00	\$1,996.00	\$3,490.00	\$3,490.00
7.	Crack Seal - 2275 South Street, from 50 East to 225 East (approximately 5,225 s.y).	1	ls	\$2,689.00	\$2,689.00	\$4,705.00	\$4,705.00
8.	Crack Seal - 2225 South Street, from 50 East to 225 East (approximately 3,610 s.y).	1	ls	\$1,858.00	\$1,858.00	\$3,249.00	\$3,249.00
9.	Crack Seal - 2200 South Street, from South Main Street to 250 East (approximately 6,060 s.y).	1	ls	\$3,119.00	\$3,119.00	\$5,454.00	\$5,454.00
10.	Crack Seal - 2100 South Street, from 50 East to 175 East (approximately 2,125 s.y).	1	ls	\$1,094.00	\$1,094.00	\$1,915.00	\$1,915.00

Bid Item	Description	Quantity	Unit	Morgan Paving Maintenance P.O. Box 190 Clearfield, UT 84089		Post Asphalt 1762 West 1350 South Ogden, UT 84401	
				Unit Price	Total Amount	Unit Price	Total Amount
11.	Crack Seal - 50 East Street, from 2225 South to 2275 South (approximately 2,185 s.y).	1	ls	\$1,125.00	\$1,125.00	\$1,975.00	\$1,975.00
12.	Crack Seal - 50 East Street, from 2100 South to 2200 South (approximately 1,670 s.y).	1	ls	\$860.00	\$860.00	\$1,503.00	\$1,503.00
13.	Crack Seal - 1800 South Street, from 200 East to South Main Street (approximately 2,675 s.y).	1	ls	\$1,377.00	\$1,377.00	\$2,415.00	\$2,415.00
14.	Crack Seal - 1800 South Street, from 200 West to 425 West (approximately 4,280 s.y).	1	ls	\$2,203.00	\$2,203.00	\$3,852.00	\$3,852.00
15.	Crack Seal - 300 West, from 1800 South to 1700 South (approximately 2,455 s.y).	1	ls	\$1,264.00	\$1,264.00	\$2,209.00	\$2,209.00
16.	Crack Seal - 425 West Street, from 1800 South to 1900 South (approximately 2,205 s.y).	1	ls	\$1,135.00	\$1,135.00	\$1,984.00	\$1,984.00
17.	Crack Seal -1850 South Street, from 250 West to 425 West (approximately 3,550 s.y).	1	ls	\$1,827.00	\$1,827.00	\$3,195.00	\$3,195.00
18.	Crack Seal - Jenny Lane, from 2150 South to 1900 South (approximately 5,995 s.y).	1	ls	\$3,086.00	\$3,086.00	\$5,400.00	\$5,400.00
19.	Crack Seal - South Main Street, from 1980 South to 2250 South (approximately 6,365 s.y).	1	ls	\$3,276.00	\$3,276.00	\$5,728.00	\$5,728.00
20.	Crack Seal - South Main Street, from 2400 South to Gordon Street (approximately 5,745 s.y).	1	ls	\$2,957.00	\$2,957.00	\$5,200.00	\$5,200.00
21.	Crack Seal - 2200 South Street, from 350 East to 250 East (approximately 4,025 s.y).	1	ls	\$2,072.00	\$2,072.00	\$3,800.00	\$3,800.00
22.	Crack Seal - 250 West Street, from 1900 South to 1800 South (approximately 1,880 s.y).	1	ls	\$968.00	\$968.00	\$1,900.00	\$1,900.00

Bid Item	Description	Quantity	Unit	Morgan Paving Maintenance P.O. Box 190 Clearfield, UT 84089		Post Asphalt 1762 West 1350 South Ogden, UT 84401	
				Unit Price	Total Amount	Unit Price	Total Amount
23.	Crack Seal - 200 West Street, from 1900 South to 1800 South (approximately 2,125 s.y).	1	ls	\$1,094.00	\$1,094.00	\$2,100.00	\$2,100.00
24.	Crack Seal - 100 East Street, from Gordon Street to 2675 South (approximately 565 s.y).	1	ls	\$291.00	\$291.00	\$565.00	\$565.00
25.	Crack Seal - 2675 South Street, from 75 East to 200 East (approximately 2,370 s.y).	1	ls	\$1,220.00	\$1,220.00	\$2,200.00	\$2,200.00
26.	Crack Seal - 2600 South Street, from 75 East to 200 East (approximately 2,670 s.y).	1	ls	\$1,374.00	\$1,374.00	\$2,550.00	\$2,550.00
27.	Crack Seal - 150 East Street, from 2675 South to End (approximately 955 s.y).	1	ls	\$492.00	\$492.00	\$955.00	\$955.00
28.	Crack Seal - 75 East Street, from 2675 South to 2500 South (approximately 3,110 s.y).	1	ls	\$1,601.00	\$1,601.00	\$2,900.00	\$2,900.00
29.	Crack Seal - 225 East Street, from 2100 South to 2400 South (approximately 7,075 s.y).	1	ls	\$3,642.00	\$3,642.00	\$6,650.00	\$6,650.00
30.	Crack Seal - 2400 South Street, from 50 East to 225 East (approximately 3,745 s.y).	1	ls	\$1,928.00	\$1,928.00	\$3,500.00	\$3,500.00
31.	Crack Seal - 50 East Street, from 2325 South to 2400 South (approximately 2,345 s.y).	1	ls	\$1,207.00	\$1,207.00	\$2,250.00	\$2,250.00
32.	Crack Seal - 2400 South Street, from South Main Street to 50 East (approximately 1,095 s.y).	1	ls	\$564.00	\$564.00	\$1,095.00	\$1,095.00
33.	Crack Seal - 125 East Street, from 2500 South to 2550 South (approximately 1,025 s.y).	1	ls	\$528.00	\$528.00	\$1,025.00	\$1,025.00
34.	Crack Seal - 2550 South Street, from 75 East to 125 East (approximately 1,665 s.y).	1	ls	\$857.00	\$857.00	\$1,665.00	\$1,665.00
35.	Crack Seal - 100 East Street, from 2450 South to 2400 South (approximately 975 s.y).	1	ls	\$502.00	\$502.00	\$975.00	\$975.00

Bid Item	Description	Quantity	Unit	Morgan Paving Maintenance P.O. Box 190 Clearfield, UT 84089		Post Asphalt 1762 West 1350 South Ogden, UT 84401	
				Unit Price	Total Amount	Unit Price	Total Amount
36.	Crack Seal - 1900 South Street, from South Main Street to 450 West (approximately 9,335 s.y).	1	ls	\$4,805.00	\$4,805.00	\$8,900.00	\$8,900.00
37.	Crack Seal - 2250 South Street, from South Main Street to 50 East (approximately 680 s.y).	1	ls	\$350.00	\$350.00	\$680.00	\$680.00
38.	Crack Seal - 150 East Street, from 2100 South to End (approximately 495 s.y).	1	ls	\$255.00	\$255.00	\$495.00	\$495.00
39.	Crack Seal - 175 East Street, from 2100 South to 2200 South (approximately 1,420 s.y).	1	ls	\$731.00	\$731.00	\$1,420.00	\$1,420.00
<b>TOTAL BID:</b>				<b>\$62,129.00</b>		<b>\$116,508.00</b>	
Surety Company				The Guarantee of North America		Old Republic Surety	
City, State				Southfield, MI		Milwaukee, WI	
Bid Security - Bid Bond Amount				5%			
Contractor's License Number				269128-5501		321972-5501	

16 October 2012

Clearfield City  
55 South State Street  
Clearfield, Utah 84015

Attn: Mayor Don Wood and City Council  
Proj: **West Park Village - Park**  
Subj: Bid Results, Bid Proposal Tabulation & Recommendation

Dear Mayor Wood and Council Members,

The “Bid Opening” for the above referenced project was conducted this afternoon. The lowest responsible bidder is Merrill Sheriff Construction of Centerville, Utah.

Enclosed are the “Bid Results” and “Bid Proposal Tabulation”. Merrill Sherriff Construction’s bid was reviewed and found to meet the bidding conditions required in the Contract Documents.

Since Merrill Sherriff Construction’s bid is the low bid for the advertised project, and their bid meets the conditions of the Contract Documents, I herewith recommend award of the above referenced project in the amount of \$47,748.00 to Merrill Sherriff Construction Company.

Should you have any questions or desire additional information concerning the contractor or his bid, please feel free to contact our office at your earliest convenience.

Sincerely,  
**CEC, Civil Engineering Consultants, PLLC.**



R. Todd Freeman, P.E.  
*City Engineer*

cc: Eric Howes – Clearfield Community Services Director



BID RESULTS

**West Park Village - Park**

OWNER: CLEARFIELD CITY  
ENGINEER: CEC, CIVIL ENGINEERING CONSULTANTS

BID DATE: October 16, 2012  
TIME: 2:00 pm  
BID LOCATION: Clearfield City Offices  
55 South State Street; 3<sup>rd</sup> Floor  
Clearfield, UT 84015

PLAN HOLDER NAME	ADDENDUM	BID BOND	BID AMOUNT
Merrill Sheriff Construction Inc.	1	5%	\$47,748.00
Wasatch West Contracting LLC	1	5%	\$48,800.12
ZPSCO Contractors Inc.	1	5%	\$49,992.50
Ormond Construction Inc.		5%	\$53,332.50
Lyndon Jones Construction		5%	\$69,535.00
Grand Enterprises	1	5%	\$90,646.00
Metro Builders LLC		5%	\$119,000.00

**BID PROPOSAL TABULATION**

**WEST PARK VILLAGE - PARK**

BID DATE: 16 OCTOBER 2012  
 OWNER: CLEARFIELD CITY  
 COMMUNITY SERVICES DIRECTOR: ERIC HOWES

Bid Item	Description	Quantity	Unit	Merrill Sheriff Construction 707 North 1000 West, Ste. 1 Centerville, UT 84014		Wasatch West Contracting P.O Box 160442 Clearfield, UT 84016		ZPCSO Contractors Inc. 176 West 21Street Ogden, UT 84401	
				Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
1.	Mobilization.	1	ls	\$8,080.00	\$8,080.00	\$8,810.95	\$8,810.95	\$6,100.00	\$6,100.00
2.	Clear and grub park (Plow, disk and harrow).	1	ls	\$14,550.00	\$14,550.00	\$9,587.12	\$9,587.12	\$7,000.00	\$7,000.00
3.	Furnish and install top soil materials.	500	ton	\$21.22	\$10,610.00	\$21.48	\$10,740.00	\$30.95	\$15,475.00
4.	Remove existing concrete debris, miscellaneous debris and excess vegetation.	1	ls		\$0.00	\$779.35	\$779.35	\$7,400.00	\$7,400.00
5.	Remove existing sidewalk.	70	lf	\$11.50	\$805.00	\$7.56	\$529.20	\$5.00	\$350.00
6.	Install concrete flatwork/sidewalk.	3,550	sf	\$3.86	\$13,703.00	\$5.17	\$18,353.50	\$3.85	\$13,667.50
<b>TOTAL BID:</b>					<b>\$47,748.00</b>		<b>\$48,800.12</b>		<b>\$49,992.50</b>
Surety Company				The Guarantee Co. of North America Southfield, MI		Westchester Fire Ins. Co. Philadelphia, PA		Developers Surety & Idemnity Company Irvine, CA	
City, State				5%		5%		5%	
Bid Security - Bid Bond Amount				270498-5501		7072115-5501		269623-55501	
Contractor's License Number									

\*Denotes error in bid

**BID PROPOSAL TABULATION**

**WEST PARK VILLAGE - PARK**

BID DATE: 16 OCTOBER 2012  
 OWNER: CLEARFIELD CITY  
 COMMUNITY SERVICES DIRECTOR: ERIC HOWES

Bid Item	Description	Quantity	Unit	Ormond Construction P.O Box 598 Willard, UT 84340		Lyndon Jones Construction P.O. Box 95150 South Jordan, UT 84095		Grand Enterprises 4359 South 3800 West West Haven, UT 84401	
				Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
1.	Mobilization.	1	ls	\$4,500.00	\$4,500.00	\$8,000.00	\$8,000.00	\$1,500.00	\$1,500.00
2.	Clear and grub park (Plow, disk and harrow).	1	ls	\$15,400.00	\$15,400.00	\$28,000.00	\$28,000.00	\$35,075.00	\$35,075.00
3.	Furnish and install top soil materials.	500	ton	\$18.25	\$9,125.00	\$22.00	\$11,000.00	\$22.60	\$11,300.00
4.	Remove existing concrete debris, miscellaneous debris and excess vegetation.	1	ls	\$1,500.00	\$1,500.00	\$6,000.00	\$6,000.00	\$18,000.00	\$18,000.00
5.	Remove existing sidewalk.	70	lf	\$7.00	\$490.00	\$8.00	\$560.00	\$32.85	\$2,299.50
6.	Install concrete flatwork/sidewalk.	3,550	sf	\$6.85	\$24,317.50	\$4.50	\$15,975.00	\$6.33	\$22,471.50
<b>TOTAL BID:</b>				<b>\$55,332.50</b>		<b>\$69,535.00</b>		<b>\$90,646.00</b>	
Surety Company				Travelers Casualty & Surety		The Guarantee Co. of North America		Employers Mutal Casualty	
City, State				Hartford, CT		Southfield, MI		Des Moines, IA	
Bid Security - Bid Bond Amount				5%		5%		5%	
Contractor's License Number				241695-5501		268590-5501		6067195-5501	

\*Denotes error in bid

**BID PROPOSAL TABULATION**

**WEST PARK VILLAGE - PARK**

BID DATE: 16 OCTOBER 2012  
 OWNER: CLEARFIELD CITY  
 COMMUNITY SERVICES DIRECTOR: ERIC HOWES

Bid Item	Description	Quantity	Unit	Metro Builders LLC 4741 Brentwood Circle Provo, UT 84604	
				Unit Price	Total Amount
1.	Mobilization.	1	ls		\$0.00
2.	Clear and grub park (Plow, disk and harrow).	1	ls		\$0.00
3.	Furnish and install top soil materials.	500	ton		\$0.00
4.	Remove existing concrete debris, miscellaneous debris and excess vegetation.	1	ls		\$0.00
5.	Remove existing sidewalk.	70	lf		\$0.00
6.	Install concrete flatwork/sidewalk.	3,550	sf		\$0.00
<b>TOTAL BID:</b>					<b>\$119,000.00 *</b>
Surety Company				Auto-owners Ins. Co.	
City, State				Lansing, MI	
Bid Security - Bid Bond Amount				5%	
Contractor's License Number				6614664-5501	

\*Denotes error in bid

EXHIBIT "A"

CLEARFIELD CITY RESOLUTION NO. 2012R-20

A RESOLUTION OF THE CLEARFIELD CITY COUNCIL ACTING AS THE GOVERNING BODY OF THE NORTH DAVIS FIRE DISTRICT ADOPTING AND CERTIFYING A TAX RATE TO THE DAVIS COUNTY CLERK-AUDITOR AND THE BOARD OF COUNTY COMMISSIONERS OF DAVIS COUNTY FOR THE 2012 TAXABLE YEAR

WHEREAS, the Clearfield City Council ("Council") acted as the Governing Body for the purpose of creating the North Davis Fire District ("District") as a Special Service District in accordance with the Utah Special Service District Act §§ 17D-1-101 et seq. Utah Annotated, 1953 (the "Act"); and

WHEREAS, the Council created the Administrative Control Board in accordance with the provisions of §17D-1-301 of the Act and delegated to the Administrative Control Board the power to act as the governing body of the District; and

WHEREAS, the Council cannot delegate to the Administrative Control Board the power to levy a tax on the taxable property of the District and the Council retains the power and duty to levy a tax on the taxable property of the District; and

WHEREAS, the Administrative Control Board desires to establish a certified tax rate for the 2012 taxable year at a rate of .001467 per dollar of taxable value on all taxable property within the District, in addition to all other taxes levied or imposed on such property within the District for the purpose of funding operating expenses and capital improvements and to provide fire protection, emergency medical and ambulance services and consolidated 911 and emergency dispatch services within the District; and

WHEREAS, the Administrative Control Board has passed and adopted its Resolution No. 2012R-5 on October 18, 2012 requesting that the Council adopt a Resolution certifying a tax rate of .001467; and

WHEREAS, a regular meeting was duly noticed and held at which time the Council considered the certified tax rate for the District.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CLEARFIELD CITY COUNCIL OF CLEARFIELD CITY, UTAH, as follows, to wit:

Section One:        CERTIFIED TAX RATE ESTABLISHED

That the Certified Tax Rate on all taxable property lying and being within the district boundaries of the North Davis Fire District for the 2012 taxable year be, and the same is hereby fixed, set and established at a rate of .001467.

Section Two: CERTIFIED COPIES OF RESOLUTION TO COUNTY OFFICIALS

That the City Recorder of Clearfield City is hereby authorized and directed forthwith to certify a copy of this Resolution and forward and direct one copy each to the Davis County Clerk-Auditor and the Davis County Board of Commissioners of Farmington, Utah.

Section Three: LEVY, COLLECTION AND REMITTANCE OF TAXES

The Clearfield City Council requests that the Board of Commissioners of Davis County include this Certified Tax Rate in its levying process for property taxes for the 2012 taxable years and that such tax be extended and collected in the manner provided by law for the collection of general county taxes and that the proceeds thereof, as collected, be turned over to the treasurer of the North Davis Fire District and that said taxes in all respects be collected and delivered to the North Davis Fire District according to law.

Section Four: EFFECTIVE DATE

This Resolution shall be effective immediately upon passage and adoption.

PASSED AND ADOPTED by the Clearfield City Council of Clearfield City, Davis County, State of Utah this \_\_\_\_ day of \_\_\_\_\_ 2012.

ATTEST:

CLEARFIELD CITY CORPORATION

\_\_\_\_\_  
Nancy R. Dean, City Recorder

\_\_\_\_\_  
Don W. Wood, Mayor

VOTE OF THE COUNCIL

AYE:

NAY:

**RESOLUTION NO. 2012R-5**

**A RESOLUTION REQUESTING THAT THE  
CLEARFIELD CITY COUNCIL AS GOVERNING  
BODY ADOPT A RESOLUTION CERTIFYING  
A TAX RATE FOR THE NORTH DAVIS FIRE DISTRICT  
TO THE DAVIS COUNTY CLERK-AUDITOR FOR  
THE 2012 TAXABLE YEAR AND PROVIDING FOR  
AN EFFECTIVE DATE**

**WHEREAS**, the North Davis Fire District ("District") is a Special Service District created pursuant to and in accordance with the Utah Special Service District Act, §§ 17D-1-101 et seq. Utah Code Annotated, 1953 (the "Act"); and,

**WHEREAS**, the Clearfield City Council is the Governing Body defined in the Act which initially created the District; and,

**WHEREAS**, the Governing Body created the Administrative Control Board in accordance with the provisions of § 17D-1-301 of the Act and delegated to the Administrative Control Board the power to act as the Governing Body of the District; and,

**WHEREAS**, the Governing Body cannot delegate to the Administrative Control Board the power to levy a tax on the taxable property of the District; and

**WHEREAS**, the Governing Body retains the power and duty to levy a tax on the taxable property of the District; and,

**WHEREAS**, a Special Tax Election was held in the District on November 8, 2005 at which time the voters of the District authorized assessment of an annual tax at a rate not to exceed .001400 per dollar of taxable value on all taxable property within the District, in addition to all other taxes levied or imposed on such property within the District for the purpose of funding operating expenses and capital improvements and to provide fire protection, emergency medical and ambulance services and consolidated 911 and emergency dispatch services within the District; and,

**WHEREAS**, the Utah State Tax Commission issued a Decision and Order on September 25, 2012 in Appeal No. 12-2294 interpreting §59-2-914(3) Utah Code Annotated, 1953 and approving a certified tax rate for the District in the amount of .001467; and,

**WHEREAS**, the Administrative Control Board desires to establish a certified tax rate for the 2012 taxable year at a rate of .001467; and

**WHEREAS**, a regular meeting was duly noticed and held accordingly at which time a proposed certified tax rate for the District was considered by the Administrative Control Board;

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE ADMINISTRATIVE CONTROL BOARD OF THE NORTH DAVIS FIRE DISTRICT**, as follows, to wit:

**Section One:**                    **DETERMINATION OF CERTIFIED TAX RATE**

After review and study of the budgetary needs and requirements of the District and considering approval of the voters within the District at the Special Tax Election and the Decision and Order of the Utah State Tax Commission dated September 25, 2012, the Administrative Control Board has determined that the certified tax rate of .001467 on all taxable property lying and being within the corporate boundaries of the North Davis Fire District for the 2012 taxable year is necessary and desirable.

**Section Two:**                    **REQUEST TO GOVERNING BODY**

The Administrative Control Board requests that the Clearfield City Council, as the Governing Body for the North Davis Fire District, adopt a Resolution declaring that the certified tax rate on all property lying and being within the corporate boundaries of the North Davis Fire District for the 2012 taxable year be fixed, set and established as .001467. A copy of the proposed Resolution to be adopted by the Governing Authority is attached hereto as Exhibit A.

**Section Three:**                    **RESOLUTION TO COUNTY OFFICIALS**

That upon adoption of the Resolution establishing the certified tax rate by the Governing Body that the City Recorder be authorized and directed forthwith to certify copies of said Resolution and to forward and direct one copy each to the Davis County Clerk-Auditor and the Board of County Commissioners of Davis County.

**Section Four:**                    **REPEAL RESOLUTION NO. 2012-3**

This Resolution supersedes and repeals Resolution No. 2012-3 adopted on June 21, 2012.

**Section Five:**                    **EFFECTIVE DATE**

This Resolution shall be effective immediately upon passage and adoption

**PASSED AND ADOPTED** by the Administrative Control Board of the North Davis Fire District  
this 18<sup>th</sup> Day of October 2012.

North Davis Fire District

By: \_\_\_\_\_  
Gary Petersen, Chair

ATTEST:

\_\_\_\_\_  
Michelle Marsh,  
Clerk

# Memo



To: Mayor Wood and City Council Members  
From: JJ Allen, Assistant City Manager  
Date: October 18, 2012  
Re: Consolidated Fee Schedule Amendment – Rental Dwelling License Fees

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## **I. RECOMMENDED ACTION**

Approve Ordinance No. 2012-13 amending the Consolidated Fee Schedule (rental dwelling license disproportionate service fees).

## **II. DESCRIPTION / BACKGROUND**

The current rental dwelling license fees are based on an analysis of residential calls for service from the years 2006 – 2009. City staff recently updated this analysis to include calls for service data from 2010 and 2011. Attached is the Executive Summary of the analysis performed by one of our management interns, Cody Richards. This information was discussed in a work session on September 25.

A few highlights from the analysis:

- The average number of annual calls for service per unit to single-family rentals (1.132) and multi-family rentals (1.169) continues to be significantly higher than the average for owner occupied residences (0.496) and duplex rentals (0.614). These statistics support the application of disproportionate rental dwelling license fees. The owner occupied average (0.496) is used as the baseline for this analysis.
- The average number of annual calls for service for rentals has declined somewhat since the previous analysis. This suggests that the rental dwelling license fee should also decrease.
- Though they do not currently constitute a separate licensing category, there are many 3- and 4-plex rental properties. If looked at separately, this group has the highest average number of annual calls for service per unit (1.38), compared to all other categories. Consequently, the recommendation is to create a new licensing category for this group.
- As a whole, the average number of annual calls for service per unit to rentals on the Good Landlord Program (GLP) is not significantly lower than rentals not on the program. However, there are a few properties on the GLP that are skewing

that data. On a per-property basis, most GLP participants have fewer annual calls for service per unit than non-participants. Also, the GLP is still young, and we've recently made adjustments to improve its effectiveness.

### **III. IMPACT**

#### **a. Fiscal**

If the recommended fees are approved, they will generate approximately \$1,600 less than the current rental dwelling license fees.

#### **b. Operations / Service Delivery**

The changes to the fee schedule will be easy to implement, and will not significantly affect the licensing operation or the administration of the Good Landlord Program.

### **IV. ALTERNATIVES**

For non-GLP landlords, the recommended fees are not based on full cost recovery (i.e., they are discounted by 25%). This is consistent with the approach from the initial implementation of the fees, which considered how Clearfield's fees would compare to those of other cities with good landlord programs. If the Council wishes to charge the full cost, those amounts would be as follows:

Single Family Rentals	\$88.00
Duplex Rentals	\$16.50
3/4-plex Rentals	\$122.50
Multi-family Rentals	\$89.50
Mobile Home Units	\$65.50

### **V. SCHEDULE / TIME CONSTRAINTS**

In order for a fee change to apply to the upcoming round of business license renewals (which includes rental dwelling licenses), the change would have to be approved at the October 23, 2012, Council meeting.

### **VI. LIST OF ATTACHMENTS**

- Ordinance 2012-13
- Executive Summary – Analysis of Calls for Service to Residential Units 2006-2011
- Chart – Rental Dwelling License Fees
- Chart – Comparable License Fees

# CLEARFIELD CITY ORDINANCE 2012-13

## AN ORDINANCE AMENDING THE CONSOLIDATED FEE SCHEDULE FOR CLEARFIELD CITY CORPORATION.

**PREAMBLE:** Ordinance 2008-06 enacted a consolidated fee schedule for utilities, recreation, licensing, permits, impact fees, building rental, etc. for Clearfield City Corporation. Amendments to the fee schedule have been identified and shall be enacted as outlined below.

### BE IT ORDAINED BY THE CLEARFIELD CITY COUNCIL:

**Section 1. Enactment:** Title 2, Chapter 5 of the Clearfield City Code is hereby amended to read as follows:

#### Disproportionate Service Fees

Daycare / Preschool, Commercial (new only)	\$10
Daycare / Preschool, Home (new only)	\$135
Manufacturing Businesses (new and renewal)	\$200
Single-Family Rental (new and renewal) with Good Landlord Program - per unit	\$7
Two-Family Rental (new and renewal) with Good Landlord Program Discount	\$3
<u>3/4-Plex Rental (new and renewal) with Good Landlord Program Discount</u>	<u>\$9</u>
Multi-Family Rental (new and renewal) with Good Landlord Program Discount	\$7
Mobile Home Park (new and renewal) with Good Landlord Program Discount	\$7
Single-Family Rental (new and renewal)	<del>\$7566.50</del>
Two-Family Rental (new and renewal)	<del>\$46,5012.50</del>
<u>3/4-Plex Rental (new and renewal)</u>	<u>\$92</u>
Multi-Family Rental (new and renewal)	<del>\$76,5067</del>
Mobile Home Park (new and renewal)	<del>\$47,2549.50</del>
Convenience Stores (new and renewal)	\$500
Restaurants (new and renewal)	\$150
Tavern (new and renewal)	\$800
Automotive (new and renewal)	\$115
Financial Services (new and renewal)	\$440
Pawn Shops (new and renewal)	\$500

**Section 2. Effective Date:** This Ordinance shall become effective immediately upon posting.

**Section 3. Repealer:** Any Ordinance or sections or portions of ordinances previously enacted by the Clearfield City Council which are in conflict with the provisions of this Ordinance are hereby repealed and replaced by this Ordinance.

Dated this 23<sup>rd</sup> day of October, 2012, at the regularly scheduled meeting of the Clearfield City Council.

CLEARFIELD CITY CORPORATION

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Donald W. Wood, Mayor

ATTEST

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Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:

# Analysis of Calls for Service to Residential Units 2006-2011

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## INTRODUCTION

The Executive Staff recently updated a study completed by the Community Development Department of all residential calls for service (CFS) to the Clearfield City Police Department from 2006 through 2011. The purpose of our analysis was to answer the following questions:

- 1) What are the general trends in calls for service to residential properties over the past six years?
- 2) Do calls for service differ between owner-occupied units and rental units?
- 3) Does a development's density affect calls for service? Do higher-density neighborhoods place a higher demand on our police department?
- 4) What effect, if any, has the Good Landlord Program (GLP) had on calls for service to residential properties?
- 5) Do calls for service by mobile home parks differ from other types of residential units?
- 6) What possible policy implications might the data have?

## ANALYSIS

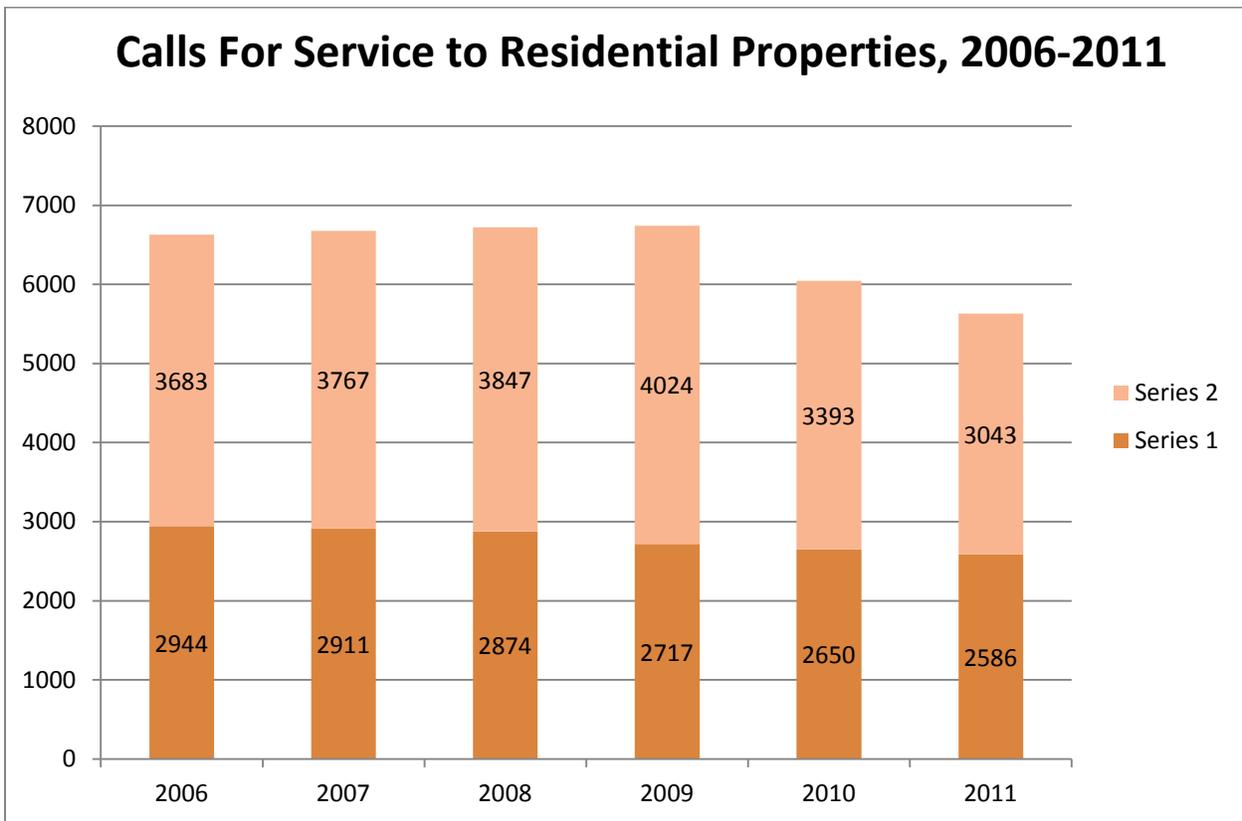
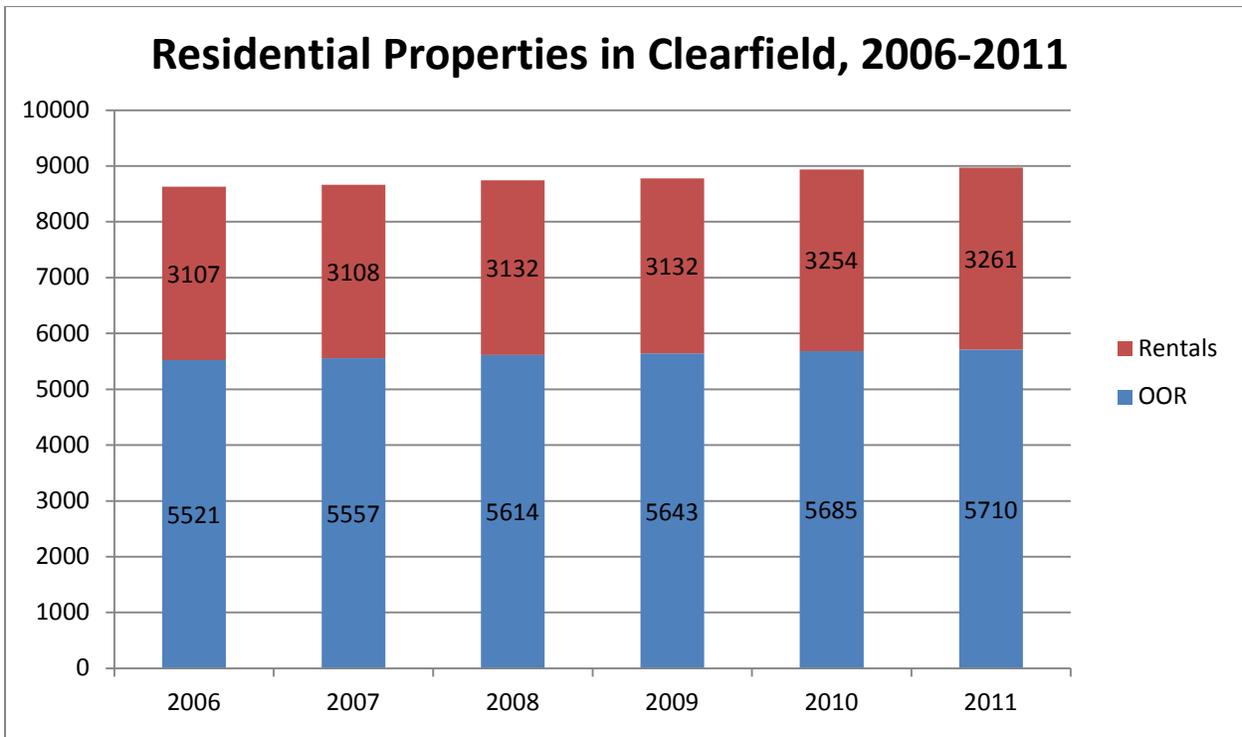
Every residential parcel in the city has been categorized according to its dwelling type, in accordance with the terms used in the City's Zoning Ordinance – Owner-Occupied Residential (OOR), Single-Family Rental (SFR), Duplex Rental (DUR), and Multi-Family Rental (MFR). MFRs include any building with three or more units on the same parcel. Calls for service to properties with multiple units were divided by the number of units on the property (referred to as calls per unit, or CPU) in order to maintain an equivalent comparison to single-family dwellings. For OOR and SFR properties, the calls for service are the same as the calls per unit, since each property has only one unit.

## RESULTS

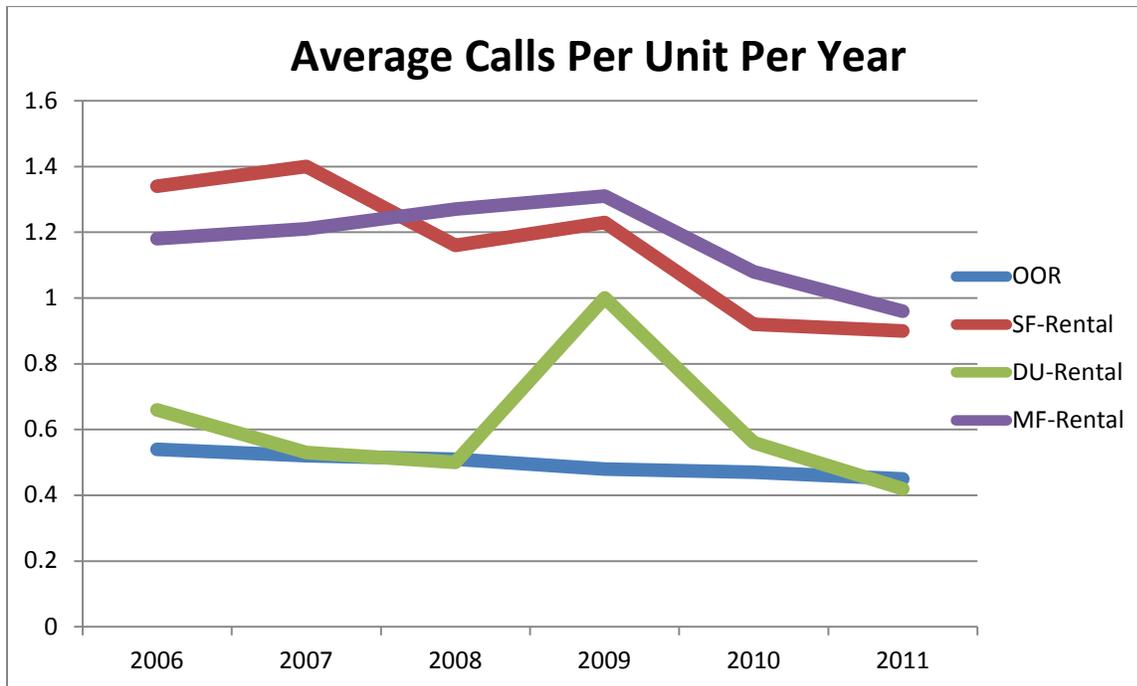
Our analysis was successful in answering the questions posed above. A summary of our results is shown below.

### *GENERAL TRENDS*

The total number of residential units in Clearfield has changed very little since 2006, due to a low growth rate and the issuance of few building permits during that time period. Likewise, the total number of calls for service to residential properties has remained relatively constant over the past four years, but overall calls for service are down in most every category.



It is important to note that the total number of rental units in the City as a percentage of total residential units is lower than previously thought. From the average of 2006 through 2011 we find that 36% of all residential units were rentals.



#### **OWNER-OCCUPIED VS. RENTAL UNITS**

Do rental units place a higher burden on our police department? Our analysis sought to establish a “base” number of calls for service, or the average number of calls per unit made by the most common unit of our community – the single-family owner-occupied residence (OOR). Over the past six years, OOR’s have averaged 0.496 calls for service per year, per unit. This number is our base.

In the tables below, “Obs” is the number of observations, or number of owner-occupied units. “AVG” is the average number of calls for service per unit, and “STD” is the standard deviation.

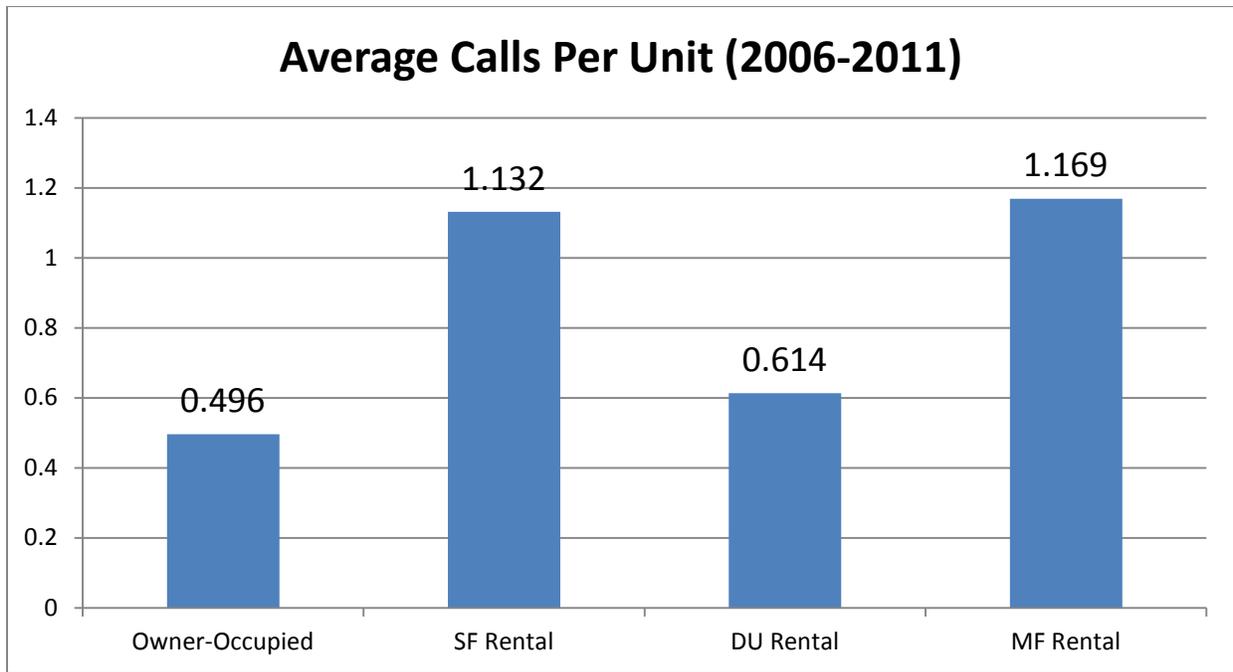
ALL OOR 06		ALL OOR 07		ALL OOR 08		ALL OOR 09		ALL OOR 10		ALL OOR 011	
Obs	5502	Obs	5538	Obs	5595	Obs	5624	Obs	5685	Obs	5710
AVG	0.535	AVG	0.526	AVG	0.514	AVG	0.483	AVG	0.466	AVG	0.453
STD	1.292	STD	1.353	STD	1.298	STD	1.198	STD	1.259	STD	1.342

The following table shows the combined figures for owner-occupied units from 2006 to 2011:

ALL OOR 06-11	
Obs	33654
AVG	0.496
STD	1.293

**Base Calls Per Unit:**  
**0.496**

For the same time period, we see that all three categories of rental units (SFR, DUR, and MFR) have a higher number of calls per unit:

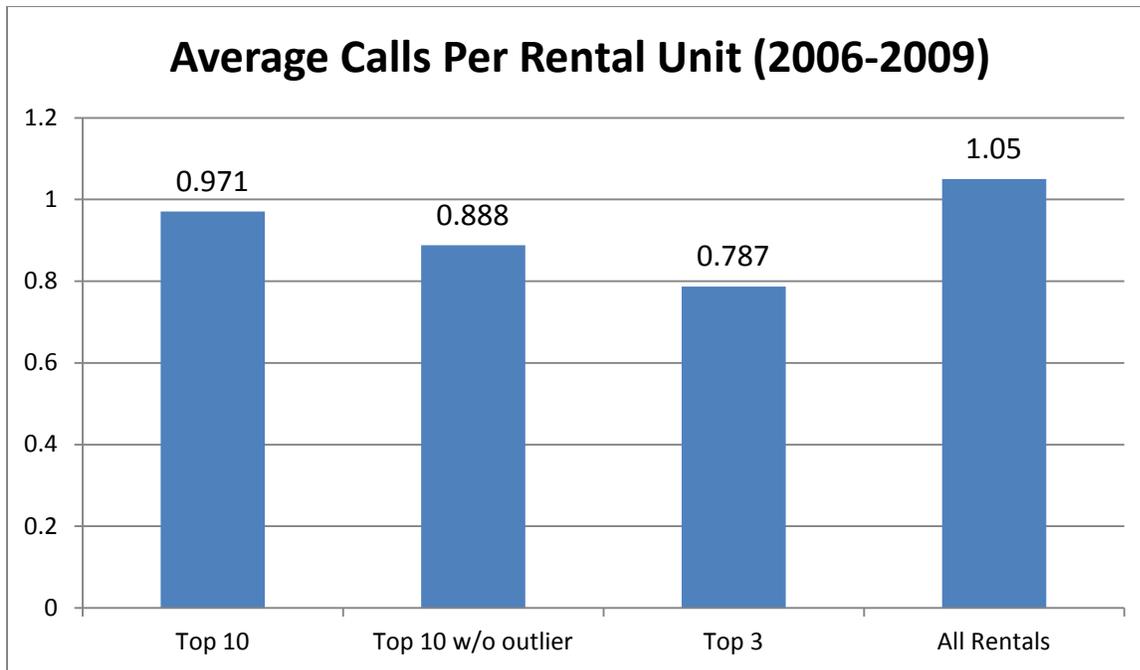


***Rental units place a significantly higher demand on the City's police department than owner-occupied residences.***

#### ***THE "DENSITY" EFFECT***

Do higher-density neighborhoods place a higher burden on the police than low-density neighborhoods? In order to answer this question, we ran a regression on the number of units in a development against the development's calls for service. The results indicate a very small significant positive correlation. In general, each additional unit in a development will result in 0.003 additional calls per unit in that development. This means that a 100-unit property will be expected to have 0.3 calls more per unit than a single-family residence.

It should be noted, however, that the r-squared value for the regression is extremely low, which means that other factors beside density are affecting the number of calls per unit. In fact, a look at our top three highest-density developments reveals that, as a group, their average number of CPU is much lower than that of other MFR properties, at only 0.79 calls per unit. The top ten are also lower than the MFR average at only .971 CPU. This number is also somewhat skewed to the higher end by the sixth-largest property, which has an average CPU of almost 2 calls per unit.



The developments with the highest densities are often professionally managed and maintained. They may also have more qualified staff and more experienced owners. It is also likely that they are more thorough in their approach to background checks, rental deposits, and contracts. These factors may explain why their calls are lower. We assume that other factors affecting calls for service for all rental units include size and condition of the unit, number of bedrooms, year built, project amenities, and monthly rent, among others. Unfortunately, we do not have that information at this time.

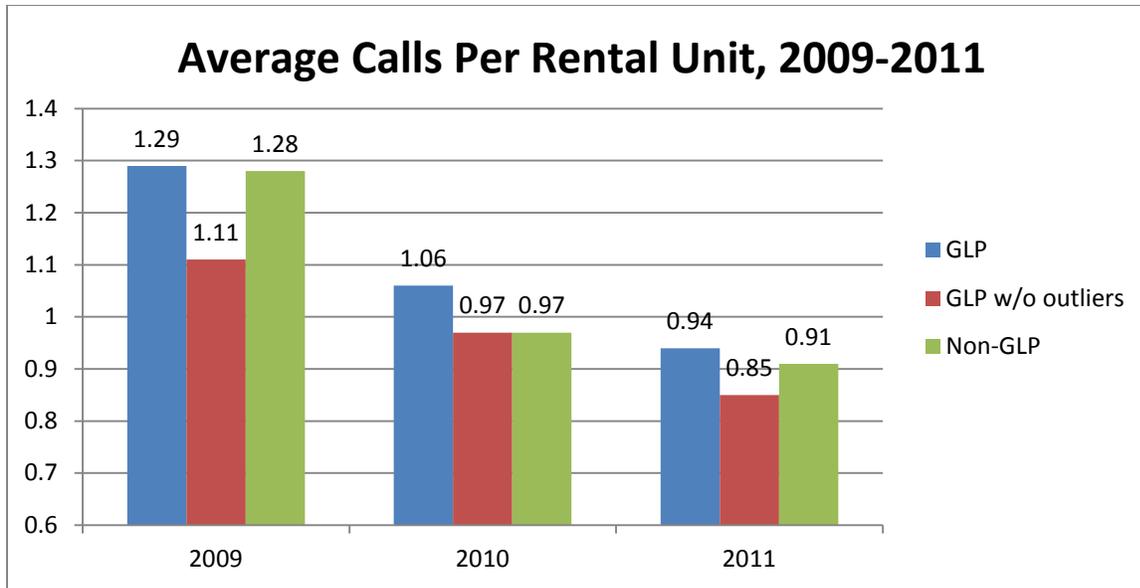
#### ***GOOD LANDLORD PROGRAM***

The Good Landlord Program was implemented at the beginning of 2009 with the stated goal of reducing crime and unnecessary calls for service. Has the Program accomplished this goal? We now have three years of data to compare, 2009-2011. In this study we compared Good Landlord Program properties against all other rentals that do not participate. We also noticed that there seems to be a larger number of outliers with higher calls for service in the group that does participate in the program. So the comparison also includes a group without six outliers. Five of those outliers were the five mobile home parks within Clearfield City.

Averages from 2009-2011	
GLP AVG=	1.097
GLP w/o outliers=	0.977
Non- GLP=	1.053

***After accounting for six outliers in the data, Good Landlord Program units account for a slightly smaller number of calls for service than non-GLP units.***

As shown above, there seems to be little difference in calls for service between units that participate in the Good Landlord Program and those that don't. In fact, in 2010 and 2011 calls for service are higher for the units that participate in the Program compared to those that don't.



The graph shows that there is an improvement when the outliers are removed from the sample group. This seems obvious and expected but we think it will be of value to track all three categories for a longer period of time when trying to determine the effectiveness of the Program.

### **MOBILE HOME PARKS**

Do calls for service by mobile home parks (MHP) differ from those made by other types of residential units? There are currently five mobile home parks within the City. Together, they have an average number of calls per unit of 1.807. One of the five is an outlier, skewing the number upward. If that outlier is removed, the four remaining mobile home parks still have an average CPU that is almost two times higher than the base. Mobile Home Parks were the only residential classification to have an increase in calls for service from the 2006-2009 study to the undated 2011 study. The number increased slightly from 0.965 to 0.97.

### **POLICY IMPLICATIONS**

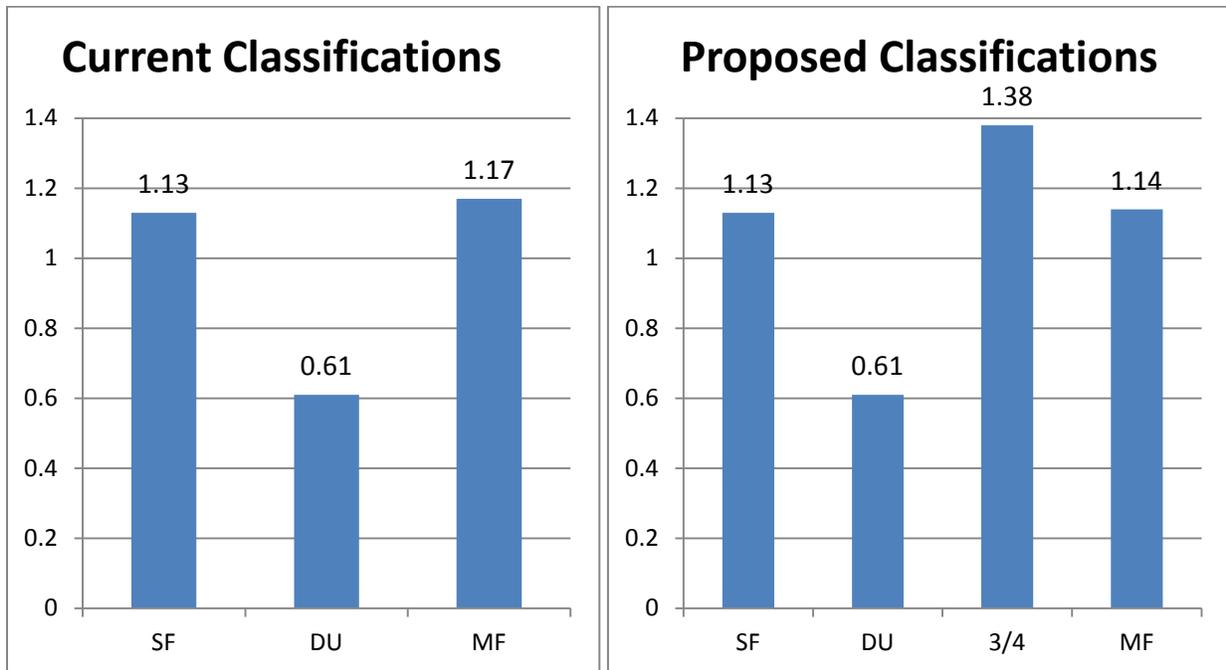
Staff recommends that the Disproportionate Fee Schedule be updated to reflect this new data. A recommendation of fees has been added to the end of this report. Below is the updated CPU for each category and the percent of changed from the previous study.



***POLICY IMPLICATIONS/RENTAL CLASSIFICATIONS***

Currently the city has three different classifications for rental properties: Single Family (1 unit), Duplex (2 units), and Multi-Family (3+units). During our update of the Calls For Service Study we found a sample of rental units that we feel should be its own classification: properties with 3 and 4 units. This new classification would result in the following: Single Family (1 unit), Duplex (2 units), 3/4plex (3 and 4 units), and Multi-Family (5+units).

We found that 3/4plex units comprise the second largest sample size of all four classifications with 80 properties. We also found that this classification has the highest CPU average than any other rental classification. If this classification were added, it would then be possible to more accurately calculate the impact of this type of rental unit.



**ADDITIONAL RESEARCH**

At the end of each calendar year, the data should be updated and analyzed for trends or other development. We are especially interested in the long-term impact of the Good Landlord Program and its effect on calls for service.

The nature of the calls for service should also be analyzed. Are most of the calls related to crime? If so, what type? Which geographic areas of the City have the most calls? Are there other trends we should be aware of? How many of the calls are medical-related? Do our residents have health problems? Why?

A quick analysis of all commercial properties in the City shows that they have a combined average number of calls for service of 7.71. Commercial businesses, therefore, create a much higher burden than any residential property. The data for commercial calls for service needs to be further analyzed for types of businesses, etc. in order to truly understand the extent of their impact. Fees should be updated accordingly if necessary.

This study only looks at the impact to the City's police department via calls for service. Do rental units also create a disproportionate burden on other City services? For example, do they impact our utility departments more than owner-occupied residences? If so, are we recouping those costs? What impact do residents of rental units have on our recreation programs? Is their rate of participation more or less than the percentage of rentals in the city?

Why do some of the larger apartment complexes have relatively low numbers of calls for service? We have speculated as to a few factors in our analysis, but what's really causing the difference? Is it monthly rent? Unit size?

# Rental Dwelling License Fees

## Current License Fee:

Good Landlord Participants:	\$30 new / \$64 renewal
Non- Good Landlord Participants:	\$190 new / \$64 renewal

Recommendations: No Change

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## Current Disproportionate Fees (per unit, per year):

	GLP	Non-GLP*
Single Family Rentals	\$ 7.00	\$ 75.00
Duplex Rentals	\$ 3.00	\$ 16.50
Multi-Family Rentals	\$ 7.00	\$ 76.50
Mobile Home Units	\$ 7.00	\$ 47.25

\*these fees came from a percentage decrease imposed by the council from the overall cost of CFS

## Recommendations based on updated data:

### Proposed Classifications:

	GLP	Non-GLP**	Non-GLP***
Single Family Rentals	\$ 7.00	\$ 88.00	\$ 66.50
Duplex Rentals	\$ 3.00	\$ 16.50	\$ 12.50
3/4 plex	\$ 9.00	\$ 122.50	\$ 92.00
Multi-Family Rentals	\$ 7.00	\$ 89.50	\$ 67.00
Mobile Home Units	\$ 7.00	\$ 65.50	\$ 49.50

\*\*these fees are bases on the total cost of CFS per unit without any decrease imposed

\*\*\*these fees are the updated total cost of CFS with the same discount imposed in the current fee schedule

It may be important to note that overall calls for service have gone down, and it might be appropriate that disproportionate fees reflect that change.

# Comparable License Fees

## Ogden

License Fee \$83.00 for both GLP and Non-GLP

Disproportionate Fees

	GLP	Non-GLP
Single Family	\$ 13.00	\$ 156.00
Two Family	\$ 6.00	\$ 70.00
Multi-Family	\$ 7.00	\$ 82.00
Mobile Home Park	\$ 6.00	\$ 58.00

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## Roy

License Fee \$72.50 GLP \$145.00 Non-GLP

Disproportionate Fees

	GLP	Non-GLP
All Rental Units	\$ 33.00	\$ 8.50

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## Salt Lake City

License Fee \$110.00 for both GLP and Non-GLP

Disproportionate Fees

	GLP	Non-GLP
All Rental Units	\$ 20.00	\$ 342.00

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## West Valley

License Fee \$110.00 for both GLP and Non-GLP

Disproportionate Fees

	GLP	Non-GLP
All Rental Units	\$ 20.00	\$ 94.00